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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

IMRAN ALRAI

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18-cr-192-01-JL
December 9, 2019
9:05 a.m.

TRANSCRIPT OF BENCH TRIAL
DAY SIX - MORNING SESSION
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

APPEARANCES:

For the Government:

John S. Davis, AUSA
Matthew Hunter, AUSA
Cam T. Le, AUSA
U.S. Attorney's Office

For the Defendant:

Timothy M. Harrington, Esq.
Timothy C. Ayer, Esq.
Shaheen & Gordon, P.A.

Also Present:

John J. Commisso, Esq.

Court Reporter:

Susan M. Bateman, RPR, CRR
Official Court Reporter
United States District Court
55 Pleasant Street
Concord, NH 03301
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I N D E X

| <u>WITNESSES:</u> | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> |
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(No cross-examination)

ERIC LEUTERITZ

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1 P R O C E E D I N G S

2 THE CLERK: The Court has before it for
3 consideration this morning day six of the bench trial in
4 United States of America versus Imran Alrai, criminal
5 case 18-cr-192-01-JL.

6 THE COURT: All right. I hope everyone had a
7 good weekend. Let's proceed.

8 Oh, we have to put something on the record
9 before we start. I received the prosecution's timeline,
10 spent some time with it. It wasn't what I anticipated
11 but it's still very helpful. I thought you were going
12 to try to work on a timeline together. This is more of
13 an advocacy piece. It's still very helpful in terms of
14 setting forth the timeline.

15 I don't want you to think this requires a
16 response from you, Mr. Harrington. You have no burden
17 in this proceeding at all. You're free to file
18 something because a lot of these time entries
19 characterize the evidence in a very inculpatory way, and
20 I was more looking just for, like, vanilla events, but I
21 can tell what the events are and the timeline is very
22 helpful. I just don't want you to think you're in a
23 position of having to respond to this and that if you
24 don't, you've agreed to any of these characterizations.
25 You haven't.

1 MR. HARRINGTON: Thank you, Judge. I actually
2 was going to ask you at some point today your position
3 on that, so I appreciate you clarifying that.

4 THE COURT: Yeah. If it's a matter of fact,
5 not a matter of characterization but like in terms of
6 the day of an event or something or a person's name or
7 something, you think there's a mistake, feel free to
8 correct it, but I don't view this as something you've
9 waived any right to challenge if any amount of time goes
10 by. This is just an advocacy piece and I appreciate
11 that it was filed. It helps me keep track of some of
12 the dates.

13 You can go ahead, Mr. Hunter.

14 MR. HUNTER: Thank you, your Honor.

15 THE COURT: Agent, you're still under oath.

16 THE WITNESS: Yes.

17 CONTINUED DIRECT EXAMINATION OF JILL LAROE

18 BY MR. HUNTER:

19 Q. Good morning, Special Agent Laroe.

20 A. Good morning.

21 Q. Before we get started, did you speak with
22 anybody on the prosecution team regarding your testimony
23 over the weekend?

24 A. No, I did not.

25 MR. HUNTER: Ms. Sheff, will you please pull

1 the chart up, page 2?

2 Q. We're looking at Exhibit 925. Is this the
3 chart we were talking about last week?

4 A. Yes, it is.

5 Q. Okay. Before we start where we left off, I
6 just want to go through a couple of things here on page
7 2.

8 So we talked about this e-mail that was sent
9 on 5/11/2015. Do you recall that?

10 A. Yes.

11 Q. And when was the next time that Mr. Alrai
12 swiped in at United Way?

13 A. May 12, 2015, at 9:20 a.m.

14 Q. So that's the next day after the e-mail was
15 sent?

16 A. Yes.

17 Q. And let's look at the next charged e-mail,
18 next badge swipe. We talked about this e-mail as well.
19 When was that e-mail sent?

20 A. I'm sorry?

21 Q. When was that e-mail sent?

22 A. June 15, 2015.

23 Q. And when did Mr. Alrai next swipe in at work?

24 A. June 16, 2015.

25 Q. Is that the next day?

1 A. Yes, it is.

2 Q. Okay. And the next e-mail, is that June 19th?

3 A. Yes.

4 MR. HUNTER: And then, Ms. Sheff, could you
5 go to the next page, please?

6 Q. And the e-mail charged in Count 4, when was
7 that one sent?

8 A. June 22, 2015.

9 Q. And that attaches some invoices from
10 DigitalNet to United Way?

11 A. Yes.

12 Q. And when did Mr. Alrai next swipe in to work?

13 A. June 23, 2015.

14 Q. That's the next day?

15 A. Yes.

16 Q. Okay.

17 MR. HUNTER: Ms. Sheff, could you please pull
18 up Government Exhibit 103?

19 Q. Okay. So here's an e-mail. This is the
20 e-mail that corresponds with Count 3 in the superseding
21 indictment; is that right?

22 A. Yes.

23 Q. And this is the June 19th e-mail we were
24 talking about?

25 A. Yes.

1 Q. And here you can see a note from Mohammad?

2 A. Yes.

3 MR. HUNTER: And could you just scroll through
4 that, Ms. Sheff?

5 Q. And we have these two invoices attached?

6 A. Yes.

7 MR. HUNTER: Ms. Sheff, can you pull up
8 Exhibit 103a?

9 Q. Okay. This is the same e-mail with the header
10 information. Do you see that?

11 A. Yes.

12 MR. HUNTER: And then, Ms. Sheff, can you pull
13 up 103b, please?

14 Q. Are these the DigitalNet invoices attached to
15 that e-mail that were found on Mr. Alrai's home computer
16 in Windham?

17 A. Yes, they were.

18 Q. And is this generally how the exhibits are
19 organized? 101 would be the e-mail sent from United
20 Way; is that right?

21 A. Correct.

22 Q. And then 101a is the same e-mail with the
23 header information; is that right?

24 A. Yes.

25 Q. The IP header. And then 101b, that's the

1 files that were found on Mr. Alrai's computer that were
2 attached to the e-mail; is that correct?

3 A. Correct.

4 Q. Okay. So I think when we were last talking --

5 MR. HUNTER: And actually, let's go to page 2
6 of the chart, Ms. Sheff?

7 Q. All right. The e-mail corresponding with
8 Count 5, this is Exhibit 105, you can see that e-mail
9 was sent --

10 MR. HUNTER: And if you pull up that in the
11 badge swipe, Ms. Sheff?

12 Q. When was that e-mail sent?

13 A. June 23, 2015.

14 Q. When did Mr. Alrai next swipe in to work?

15 A. He swiped in on June 24, 2015.

16 Q. That was the next day?

17 A. Yes.

18 Q. After the invoices were sent.

19 MR. HUNTER: And the e-mail corresponding with
20 Count 6, Ms. Sheff, can you pull that up along with the
21 badge swipe that immediately follows -- or sorry, could
22 you zoom in on the chart? We've already gone through
23 some of these e-mails last week.

24 This is on page 3. Can you pull it up along
25 with the badge swipe data for the following day, Ms.

1 Sheff? There we go.

2 Q. So this is the e-mail that corresponds to
3 Exhibit 106; is that correct?

4 A. Correct.

5 Q. And when was that one sent?

6 A. June 29, 2015.

7 Q. And when did Mr. Alrai next swipe in to work
8 at United Way?

9 A. June 30, 2015.

10 Q. Okay.

11 MR. HUNTER: Ms. Sheff, can you go to page 4?

12 Q. We have two e-mails sent on August 12, 2015,
13 is that right, Ms. Laroe?

14 A. Yes.

15 MR. HUNTER: Ms. Sheff, can you just zoom in
16 on the second 8/12 e-mail and the badge swipe
17 information?

18 Q. So this is the e-mail charged in Count 8, so
19 that would be Exhibit 108; is that correct?

20 A. Correct.

21 Q. And when was that e-mail sent?

22 A. August 12, 2015.

23 Q. Okay. And that's also attaching DigitalNet
24 invoices sent to Mr. Alrai?

25 A. Yes.

1 Q. And when did Mr. Alrai next swipe in to work
2 at United Way?

3 A. August 13, 2015.

4 Q. Thank you.

5 MR. HUNTER: And Ms. Sheff, could you please
6 zoom in on the Count 9?

7 Q. Okay. So here -- this is the e-mail we were
8 talking about when we broke for the weekend?

9 A. Yes.

10 Q. When did Mr. -- when was the e-mail sent
11 charging Count 9? This would be Exhibit 109.

12 A. August 27, 2015, at 10:06 a.m.

13 Q. When did Mr. Alrai swipe in to work?

14 A. August 27, 2015, at 1:05 p.m.

15 Q. So later that afternoon; is that right?

16 A. Correct.

17 MR. HUNTER: Ms. Sheff, could you please pull
18 up Exhibit 109?

19 Q. Okay. Ms. Laroe, who is this e-mail to and
20 from?

21 A. It is to Imran Alrai at supportunitedway.org
22 and it is from info@digitalnet.us.

23 Q. Okay. And can you read the top e-mail,
24 please?

25 A. "PFA our comments as discussed on telephone.

1 Thanks and regards. Mohammad."

2 Q. And PFA, what do you think that means? Could
3 it be please find attached?

4 A. Yes.

5 Q. Okay. And it looks like there's -- actually,
6 if you read the next e-mail down also from
7 info@digitalnet.

8 A. "Hello Imran. PFA the updated SOW and
9 contract. We really don't see a need for this contract
10 in light of the existing MSA with United Way, but we did
11 comply with your request because we value our
12 relationship. Our legal has reviewed and updated
13 accordingly. Irrelevant parts were also deleted.
14 Please contact if any questions. Thanks and regards,
15 Mohammad."

16 Q. Thank you.

17 MR. HUNTER: Now, can you please scroll down
18 to the attachment. Okay. So could you zoom in, Ms.
19 Sheff, on these comments on the side here?

20 Q. And we were talking about these when we broke
21 on Friday, is that right, Ms. Laroe, or Agent Laroe?

22 A. Yes.

23 Q. And these are comments that appear to be Jack
24 Rotondi asking why certain language was removed from the
25 agreement; is that correct?

1 A. Yes.

2 MR. HUNTER: Ms. Sheff, can you go to the next
3 page, please? Okay. Could you zoom in on that comment?

4 Q. Can you please read Mr. Rotondi's comment?

5 A. "The alternative version of his verbiage
6 provided by the vendor is a substantially weakened
7 version. Why was it changed? What specific concerns
8 does the vendor have?"

9 Q. And what's the response?

10 A. "We merged the sections to make it a mutual
11 responsibility to resolve any conflicts arising from
12 either party. The language is essentially the same."

13 Q. Okay. Thank you.

14 MR. HUNTER: Could you scroll down, Ms. Sheff?
15 Could you zoom in on these comments?

16 Q. Can you please read Mr. Rotondi's comment?

17 A. "This is precisely the opposite of the
18 original intent. Unacceptable. This version basically
19 says that the vendor can charge us anything they wish as
20 long as they claim it was a service they provided even
21 if it is not included in SOW."

22 Q. Could you please read the response to that
23 comment?

24 A. "This needs to be read in conjunction with the
25 language in SOW. We have waived annual subscription fee

1 for sync engine. We feel strongly that this language
2 needs to stay as suggested or completely removed."

3 Q. Thank you.

4 THE COURT: Can we go back to that? I'm not
5 clear on who's talking to who anymore.

6 Admin is the defendant, right?

7 MR. HUNTER: Or purporting to be from the
8 info@digitalnet e-mail, your Honor, I believe.

9 THE COURT: Oh. Okay. So this is a
10 conversation between --

11 MR. HUNTER: So yes, the defendant, would be
12 the government's position.

13 THE COURT: Who is JR7 then?

14 MR. HUNTER: Jack Rotondi.

15 THE COURT: Right. So he's speaking -- he's
16 dealing directly here with DigitalNet or he's dealing
17 with Alrai whose work is out by DigitalNet?

18 MR. HUNTER: The top e-mail, your Honor, is an
19 e-mail sent from Mohammad to Mr. Alrai attaching this.

20 THE COURT: Yeah.

21 MR. HUNTER: So there's still -- Mr. Alrai --
22 the government's position would be that Mr. Alrai is
23 still serving as a go-between here.

24 THE COURT: He's a go-between, but is this
25 internal conversation at United Way regarding what

1 DigitalNet is demanding or is this a conversation
2 between United Way and DigitalNet?

3 MR. HUNTER: A conversation between United Way
4 and DigitalNet, your Honor.

5 THE COURT: Do you concur?

6 MR. HARRINGTON: I do, Judge. That was going
7 to be my clarification.

8 THE COURT: Thanks.

9 MR. HUNTER: Next page, please.

10 Q. Can you please read this comment from Mr.
11 Rotondi, Ms. Laroe?

12 A. "This revision by the vendor is completely
13 counter to the intent of our original language. We
14 should not pay a subscription license, or fee of any
15 kind, to continue to use our own website which has
16 numerous backend components developed by the vendor.
17 The only exception to this would be the use of specific
18 software or networking tools but not the backend work
19 itself. This clarification would be acceptable."

20 Q. And could you please read the response from
21 Admin?

22 A. "There is no subscription fee for any backend
23 components. This language was amended due to sync
24 engine. That is the only subscription fee for this
25 project which has been waived under certain conditions

1 as outlined in SOW."

2 Q. Thank you.

3 MR. HUNTER: Could you go to the next page,
4 please? And to the next page, please, Ms. Sheff.

5 Q. Could you please read Mr. Rotondi's comment?

6 A. "Unacceptable. Only work done through date of
7 termination should be billable."

8 Q. Could you please read the response?

9 A. "This only applies to termination of contract
10 without the reasons outlined below. This is United Way
11 language. We just clarified it."

12 Q. Thank you.

13 MR. HUNTER: The next page, please.

14 Q. Can you read Mr. Rotondi's comment here on
15 page 9 of this document?

16 A. "Why is this clause removed? It is standard
17 verbiage."

18 Q. And can you read the comment?

19 A. "We have an MSA in place that was accepted and
20 executed by both parties. No new agreement can
21 supersede that."

22 Q. Thank you.

23 MR. HUNTER: And the next page. So going to
24 the chart here, back to the chart we have two e-mails
25 now. Can you zoom in along with the badge swipe data?

1 Q. All right. So the e-mail corresponding to
2 Count 10, when was that sent, Ms. Laroe?

3 A. September 4, 2015.

4 MR. HUNTER: And Ms. Sheff, would you please
5 pull up Exhibit 110?

6 Q. Is this the e-mail that corresponds to that
7 entry in the chart?

8 A. Yes.

9 Q. Okay. And this looks, appears to be a
10 continuation of the prior e-mail chain that we saw; is
11 that right?

12 A. Correct.

13 Q. And could you read the top e-mail from
14 info@digitalnet?

15 A. "Hello Imran. PFA the executed contract.
16 Thanks and regards, Mohammad."

17 MR. HUNTER: Ms. Sheff, can you scroll
18 through?

19 Q. Okay. And here we see the professional
20 service agreement but now it appears to be signed; is
21 that right?

22 A. Yes.

23 MR. HUNTER: Can you keep scrolling through,
24 Ms. Sheff? Okay. And can you zoom in on the
25 signatures?

1 Q. Who is it signed by for DigitalNet?

2 A. Mac Chaudhary.

3 Q. And for United Way?

4 A. Patricia Latimore.

5 Q. And then attached to that it follows with the
6 statement of work. Do you see that, Agent Laroe?

7 A. Yes, I do.

8 Q. Okay. And what's the date of that?

9 A. August 24, 2015.

10 Q. Okay.

11 MR. HUNTER: Ms. Sheff, can you please pull up
12 Exhibit 111?

13 Q. Does this correspond with the e-mail dated 9/7
14 in the chart, Agent Laroe?

15 A. Yes, it does.

16 Q. Okay. What is this e-mail?

17 A. It's the managed services and supplies for
18 Beverly office invoices.

19 Q. So a series of invoices from info@digitalnet
20 to Imran Alrai at supportunitedway.org?

21 A. Yes.

22 MR. HUNTER: Ms. Sheff, can you just scroll
23 through those invoices? And Ms. Sheff, could you pull
24 up Exhibit 111a?

25 Q. Is this that same e-mail but this time with

1 the e-mail header information?

2 A. Yes, it is.

3 Q. Okay.

4 MR. HUNTER: And can you go down a couple
5 pages, Ms. Sheff?

6 Q. And we see in X originating IP of 75.68.37.59.
7 Do you see that?

8 A. Yes.

9 MR. HUNTER: Ms. Sheff, could you please pull
10 up Exhibit 111b?

11 Q. Are these the invoices attached to that e-mail
12 that were found on Mr. Alrai's home computer?

13 A. Yes.

14 Q. And back to the chart. So this e-mail --
15 again, what day was that e-mail sent?

16 A. September 7, 2015.

17 Q. And when did Mr. Alrai next swipe in to work
18 at United Way?

19 A. September 8, 2015.

20 Q. All right.

21 MR. HUNTER: Could we go to the next page of
22 the chart, Ms. Sheff? All right. Could you please pull
23 up Exhibit 112?

24 Q. Okay. What is Exhibit 112, Agent Laroe?

25 A. It's an e-mail for invoices in November from

1 DigitalNet to the United Way.

2 Q. And it's dated October 7, 2015?

3 A. Yes.

4 MR. HUNTER: Ms. Sheff, could you just zoom
5 in?

6 Q. Does that correspond to this entry in the
7 chart, October 7, 2015?

8 A. Yes, it does.

9 Q. Okay. And it's attaching invoices.

10 And is Exhibit 110a, that's the same e-mail
11 showing the e-mail header information -- or I'm sorry,
12 112a?

13 A. Yes.

14 MR. HUNTER: And could you pull up 112b,
15 please, Ms. Sheff?

16 Q. Are these the invoices attached on Mr. Alrai's
17 home computer?

18 A. Yes.

19 Q. Again, what day was the e-mail sent?

20 A. October 7, 2015.

21 Q. And when did Mr. Alrai next swipe in to work
22 at United Way?

23 A. October 8, 2015.

24 Q. And was there any badge swipe data indicating
25 that Mr. Alrai swiped into work on October 7th?

1 A. No, there's not.

2 Q. All right.

3 MR. HUNTER: Ms. Sheff, could you please pull
4 up Exhibit 113?

5 Q. And what is this, Agent Laroe?

6 A. This is an e-mail from info@digitalnet to Mr.
7 Alrai at unitedway.org for invoices for December.

8 Q. Is that Mohammad saying, please remit payments
9 at your earliest?

10 A. Yes.

11 Q. And is it attaching some invoices?

12 A. Yes.

13 Q. Again, 113a contains the same e-mail and
14 invoices but with the e-mail header information; is that
15 right?

16 A. Correct.

17 MR. HUNTER: And could you, Ms. Sheff, please
18 pull up 113b?

19 Q. Are these the invoices attached that were
20 found on Mr. Alrai's home computer?

21 A. Yes.

22 Q. In Windham, New Hampshire?

23 A. Yes.

24 Q. All right. And again, what day was the e-mail
25 sent?

1 A. November 2, 2015.

2 Q. When did Mr. Alrai next swipe in to work?

3 A. November 3, 2015.

4 Q. Was he swiped in on November 2nd?

5 A. No, he was not.

6 Q. Okay. So the next entry in the chart, this
7 looks like an e-mail sent on December 15, 2015; is that
8 right?

9 A. Correct.

10 MR. HUNTER: Ms. Sheff, could you please pull
11 up Exhibit 114?

12 Q. Is this the e-mail corresponding with that
13 entry in the chart?

14 A. Yes.

15 Q. Okay. And what is this e-mail?

16 A. This is an e-mail from info@digitalnet.us to
17 Imran Alrai at supportunitedway.org regarding invoices
18 for the web development and managed services.

19 Q. Mohammad again is asking to remit payment as
20 soon as you can. Do you see that?

21 A. Yes.

22 Q. And can you go through and you see the
23 invoices?

24 A. Yes.

25 Q. And again the following Exhibits 115a and b,

1 are those e-mails containing the IP header information
2 -- sorry, 114a and b, is that again e-mails showing --
3 the same e-mail with IP header information or e-mail
4 header information?

5 A. Yes.

6 Q. As well as the invoices, PDFs of the invoices
7 that were found on Mr. Alrai's home computer in Windham?

8 A. Yes.

9 Q. Okay. And again, what day is the e-mail sent?

10 A. December 15, 2015.

11 Q. Did Mr. Alrai's -- was there any badge swipe
12 data indicating Mr. Alrai swiped into work that day?

13 A. No.

14 MR. HUNTER: Can we go to the next page in the
15 chart?

16 Q. When did Mr. Alrai next swipe in to work?

17 A. December 17, 2015.

18 Q. So two days later this time?

19 A. Yes.

20 Q. Okay.

21 MR. HUNTER: Can you pull up Exhibit 115,
22 please, Ms. Sheff?

23 Q. What is this, Agent Laroe?

24 A. This is an e-mail from info@digitalnet.us to
25 Imran Alrai at supportunitedway.org.

1 Q. Okay. Dated January 18, 2016?

2 A. Yes.

3 Q. Does it also attach some invoices from
4 DigitalNet to United Way?

5 A. Yes.

6 Q. And again, when did Mr. Alrai -- was Mr. Alrai
7 swiped in at United Way at 1/18/2016?

8 A. No, he was not.

9 Q. When did he swipe in next?

10 A. January 19, 2016.

11 Q. Again, that's the next day?

12 A. Yes.

13 Q. And Exhibit 115a, what is this?

14 A. That is the header information for the same
15 e-mail.

16 Q. Okay. And that shows the originating IP
17 address of the e-mail?

18 A. Yes.

19 MR. HUNTER: And 115b, Ms. Sheff.

20 Q. What is this?

21 A. Those were the invoices found on Mr. Alrai's
22 home computer.

23 Q. That were attached to that e-mail?

24 A. Correct.

25 Q. Okay.

1 MR. HUNTER: And Ms. Sheff, will you please
2 pull up Exhibit 116?

3 Q. Okay. What is this, Agent Laroe?

4 A. This is an e-mail from info@digitalnet.us to
5 Imran Alrai at supportunitedway.org attaching invoices.

6 Q. What's the date of this e-mail?

7 A. February 15, 2016.

8 Q. Okay. Was Mr. Alrai swiped in at United Way
9 on that date?

10 A. On February 15th, no.

11 Q. When did he next swipe in?

12 A. February 16th.

13 Q. And again, that's the next day after this
14 e-mail was sent; is that right?

15 A. Yes.

16 Q. Okay.

17 MR. HUNTER: Ms. Sheff, can you scroll through
18 this e-mail?

19 Q. Are these the invoices that were attached?

20 A. Yes.

21 MR. HUNTER: Ms. Sheff, could you please pull
22 up 116a?

23 Q. What is this?

24 A. That's the same e-mail with the header
25 information.

1 Q. Okay. That again shows the originating IP?

2 A. Yes.

3 Q. And as were the others, is it 75.68.37.59?

4 A. Yes.

5 Q. All right.

6 MR. HUNTER: And Ms. Sheff, can you please
7 pull up 116b?

8 Q. What is this?

9 A. Those are the invoices that were attached to
10 the e-mail that were located on Mr. Alrai's home
11 computer.

12 Q. Thank you.

13 MR. HUNTER: Okay, Ms. Sheff, could we go to
14 page 7 of the chart? Okay. And could you please pull
15 up Exhibit 117?

16 Q. Okay. We're looking at Exhibit 117, Agent
17 Laroe. What is this?

18 A. That is an e-mail from info@digitalnet.us to
19 Imran Alrai at supportunitedway.org regarding an invoice
20 for infrastructure work.

21 Q. Okay. And what's the date of the e-mail?

22 A. April 21, 2016.

23 Q. And what's the time of the e-mail?

24 A. 8:31 a.m.

25 Q. Okay. And when did Mr. Alrai next swipe in at

1 United Way?

2 A. 10:11 a.m.

3 Q. On April 21st?

4 A. Yes.

5 Q. Okay.

6 MR. HUNTER: Ms. Sheff, can you scroll through
7 the e-mail?

8 Q. And these are the invoices that were attached?

9 A. Yes.

10 MR. HUNTER: Ms. Sheff, can you pull up 117a?

11 Q. What is this exhibit?

12 A. This is the same e-mail with the header
13 information.

14 Q. Okay.

15 MR. HUNTER: And 117b.

16 Q. What is this?

17 A. The invoice that was attached that was located
18 on Mr. Imran's (sic) home computer.

19 Q. Okay. So looking back at the chart we see a
20 series of swipe-ins. What's the date range of the
21 swipe-ins before the next e-mail on the chart?

22 A. April 21, 2016, to July 12, 2016.

23 Q. Okay. And actually let's go back to April
24 21st. The e-mail was sent at 8:31. So about how long
25 between when the e-mail was sent and when Mr. Alrai was

1 swiped in at United Way?

2 A. About an hour and a half, two hours.

3 Q. Okay. Thank you.

4 MR. HUNTER: You can take that down, Ms.
5 Sheff.

6 Q. And so he swiped in on July 12, 2016.

7 MR. HUNTER: Now I want to look at Exhibit
8 118. Ms. Sheff, can you go to the bottom of the 118
9 e-mail?

10 Q. Is this an e-mail chain between a Mac --

11 MR. HUNTER: Oh, could you go up a little
12 further, Ms. Sheff, and could you please go to page 7 on
13 the chart?

14 Q. Okay. So this e-mail chain in Exhibit 118,
15 does it begin with an e-mail from Mr. Alrai?

16 A. Yes, it does.

17 Q. And could you just read the first paragraph
18 there?

19 A. "Hello, Mac. As per our conversation, I am
20 sending this e-mail to introduce you to Jack Rotondi, VP
21 of organizational operations for the United Way of Mass
22 Bay. United Way has a new procurement policy in place
23 for all large vendors effective July 1, 2016, and Jack
24 is requesting the following to update his files:

25 Certification of financial health, banking

1 reference letter of good standing, total number of
2 clients, and a sample client list. Jack, Mac is the VP
3 of business development at DigitalNet. He can be
4 reached via e-mail, mac.chaudhary@digitalnet.com or
5 phone, 978-662-5333. Feel free to reach out to him with
6 any questions. Thank you, Imran Alrai."

7 Q. Thank you.

8 MR. HUNTER: Ms. Sheff, can you go up to page
9 2 of the document?

10 Q. Okay. Can you please read this e-mail from
11 Jack Rotondi, Agent Laroe?

12 A. "Mac, it's a pleasure to virtually meet you.
13 Please don't hesitate to contact me if you have any
14 questions about what we're requesting. Also, please let
15 me know if you might be in a position to provide the
16 requested items by COB this Friday. We'd like to move
17 forward as soon as possible with the various pieces of
18 work we're jointly engaged in. This new policy simply
19 requires certain documents to be on file for our larger
20 vendors. Thanks, Jack."

21 Q. Could you please read Mac's response at 3:50
22 p.m. on July 13th.

23 A. "Good afternoon, Jack. Likewise, nice to meet
24 you. Urgency is understood. We are contacting the bank
25 to request a reference letter. We'll have the docs to

1 you within a few working days. My best, Mac Chaudhary."

2 MR. HUNTER: Ms. Sheff, can you go to page 1
3 of the e-mail?

4 Q. Here it looks like Jack says, Mac, excellent,
5 much appreciated.

6 A. Yes.

7 Q. And could you read -- and what was the date of
8 that response from Jack?

9 A. July 13th, 2016, at 3:51 p.m.

10 Q. Okay. And then can you please read Mac's next
11 e-mail on July 18th at 2:00 p.m.?

12 A. Jack and Imran, reference your e-mail dated
13 July 13. Please find documents attached to your WITS as
14 requested. My best, Mac.

15 Q. Thank you. And what time is Jack Rotondi's
16 response?

17 A. July 18 at 2:08 p.m.

18 Q. So that's about eight minutes later?

19 A. Correct.

20 Q. And can you read Jack's response, please?

21 A. "Thank you for your e-mail and the
22 attachments. I'm hoping you can also provide total
23 number of clients and a sample client list. It may have
24 been part of a page 2 of the third document which
25 mentions verticals but not actual clients and total

1 number. That didn't come through. Thanks, Jack."

2 Q. And can you read Mac Chaudhary's response:

3 A. Didn't save PDF properly. Try this."

4 Q. And what time is that response sent?

5 A. July 18th at 5:33 p.m.

6 Q. Okay.

7 MR. HUNTER: And Ms. Sheff, can you scroll
8 down to the attachment?

9 THE COURT: Can you stay with this, please?

10 MR. HUNTER: Yeah, absolutely.

11 THE COURT: Oh, I see. Okay. I see.

12 MR. HUNTER: Could you scroll down to the
13 attachment to this document, Ms. Sheff?

14 Q. This is the attachment, DigitalNet portfolio
15 of services?

16 A. Yes.

17 Q. Is this page 1 of the attachment?

18 A. Yes.

19 MR. HUNTER: And Ms. Sheff, can you scroll to
20 page 2 of the attachment?

21 Q. Do you see this?

22 A. Yes.

23 Q. And what was the last -- actually, could you
24 just read the facts at a glance?

25 A. "17,000 plus users managed, 20,000 plus

1 network and wireless devices managed, 15,000 plus
2 virtual machines managed, hundreds of millions of direct
3 plus third-party e-mails per year, 5 plus PB data
4 managed and backed up, 650 plus digital eCommerce web
5 and mobile app solutions delivered, 105 plus global
6 clients served."

7 Q. And what follows is a sample list of
8 customers. Do you see that, Agent Laroe?

9 A. Yes.

10 Q. Okay.

11 MR. HUNTER: Ms. Sheff, can we go to the next
12 page on the chart, please?

13 Q. Was a Word version of this document found on
14 Mr. Alrai's home computer?

15 A. Yes.

16 MR. HUNTER: Ms. Sheff, could you please pull
17 up Exhibit 118d, please?

18 Q. Is this the properties field from that Word
19 document?

20 A. Yes, it is.

21 Q. And who's the author of that Word document
22 listing the customers of DigitalNet?

23 A. Imran.

24 Q. Last saved by?

25 A. Imran.

1 Q. Could you read the content -- what was the
2 content created date of that Word document?

3 A. July 18, 2016, 9:54 a.m.

4 Q. That's the same day as the e-mail that we saw?

5 A. Yes.

6 Q. Date last saved of the Word document?

7 A. July 18, 2016, at 5:25 p.m.

8 Q. And last printed date of the Word document?

9 A. July 18, 2016, at 4:41 p.m.

10 Q. Total editing time?

11 A. Six hours, 13 minutes.

12 Q. So Special Agent Laroe, you mentioned after
13 the search that you supervised the search of Mr. Alrai's
14 home?

15 A. Yes.

16 Q. That included seizing his desktop computer?

17 A. Yes.

18 Q. And were there two laptops as well?

19 A. Yes.

20 Q. And an external hard drive?

21 A. Yes.

22 Q. And so what did you do to maintain the chain
23 of custody of those devices?

24 A. I took them to Boston to enter them into our
25 evidence and then -- and provided evidence of the chain

1 of custody.

2 Q. And those devices were then forensically
3 imaged --

4 A. Correct.

5 Q. -- by FBI forensic examiners?

6 A. Yes.

7 MR. HUNTER: Nothing further at this time,
8 your Honor.

9 THE COURT: Thank you.

10 Cross.

11 CROSS-EXAMINATION

12 BY MR. AYER:

13 Q. Special Agent Laroe, this search you talked
14 about occurred on June 12, 2018?

15 A. Yes.

16 Q. And that was done while Mr. Alrai was in
17 interviews and conversations at the United Way?

18 A. Yes.

19 Q. And it was planned that way, right? Was it
20 planned to have these search warrants executed at the
21 time that he was being interviewed?

22 A. It was planned to do the search warrants on
23 June 12, 2018, correct.

24 Q. And it was also planned to do the interview
25 that day, right?

1 A. I did not have anything to do with the
2 planning of the interview, sir.

3 THE COURT: Did you know their plans?

4 THE WITNESS: I knew that United Way was
5 planning on speaking with him, yeah.

6 THE COURT: Just so you know, if you know,
7 answer his questions. If you don't have personal
8 knowledge, just explain that.

9 THE WITNESS: Okay.

10 Q. And there were special agents from I believe
11 the FBI or Homeland Security at United Way during those
12 interviews?

13 A. Not in the United Way building. They were
14 outside of United Way.

15 Q. Okay. But they were on --

16 A. They were not on United Way property, no.

17 THE COURT: All of a sudden the tension just
18 went through the roof and people are kind of like --
19 just ask the questions at a reasonable pace. Take a
20 breath and answer it. I don't want to referee this.
21 Let's go.

22 Q. They were close to the United Way?

23 A. Yes, they were.

24 Q. Close enough that, for example, somebody could
25 walk out of the United Way premises and physically talk

1 to the agents?

2 A. If the agents approached them, yes.

3 Q. And the agents were there because of this
4 investigation?

5 A. The agents were there because we had a search
6 warrant for Mr. Alrai's person.

7 Q. They were at the United Way because of the
8 search warrant for his person?

9 A. Because we knew Mr. Alrai was at work at the
10 United Way.

11 Q. Because you had discussed that with the United
12 Way?

13 A. We asked the United Way if he would be at work
14 that day and they said yes, he would be.

15 Q. Did you discuss that they were going to be
16 having a meeting or meetings with him that day at which
17 they confronted him about this alleged activity?

18 A. I was not part of those discussions, no.

19 THE COURT: Well, I'm curious, what are you
20 trying to establish? What would you have me infer from
21 this?

22 MR. AYER: I'm getting it might be a little
23 while at this point given the pace, your Honor, simply
24 the connection between the United Way's conversation
25 with Mr. Alrai and what was going on at his home at the

1 same time.

2 THE COURT: Sure. Again, just tell me. You
3 don't get this opportunity with a jury. What are you
4 trying to get me to infer from this? Even though she
5 can hear it, I want you to tell me anyway. Actually,
6 you know what, it's a good point. I want --

7 MR. AYER: Can I ask a few more questions and
8 then I can --

9 THE COURT: Let me finish talking. Come on.
10 Proceed.

11 Q. Well -- so back up a second. You had not
12 spoken to Mr. Alrai about this prior to June 12th?

13 A. No, I had not.

14 Q. To your knowledge nobody from Homeland
15 Security or the FBI had talked to him about this prior
16 to June 12th?

17 A. No, they had not.

18 Q. To your knowledge nobody at the United Way
19 confronted him about this prior to June 12th?

20 A. No.

21 Q. The first discussions about this alleged
22 scheme between the FBI and Homeland Security, the United
23 Way and Mr. Alrai, involving Mr. Alrai occurred on June
24 12th?

25 A. I don't understand.

1 Q. Okay. The first discussions between anybody
2 connected with the government investigation, FBI and
3 Homeland Security, and Mr. Alrai about this alleged
4 scheme happened on June 12, 2018?

5 A. Yes.

6 Q. The first discussions to your knowledge
7 between anybody at the United Way and Mr. Alrai about
8 this alleged scheme occurred on June 12, 2018?

9 A. Yes, to my knowledge.

10 Q. While you were searching Mr. Alrai's house,
11 one of the things you were searching for was a safe,
12 correct?

13 A. Among other things, yes. We weren't
14 specifically looking for a safe. We were conducting a
15 search for anything that could be connected to this
16 scheme.

17 Q. Which included in your mind potentially
18 finding a safe there?

19 A. I guess. I mean, when we do any kind of a
20 search warrant we look for a safe.

21 Q. And you expected to find a safe containing
22 documents with passwords on it, right?

23 A. No. We didn't have any knowledge about a safe
24 containing passwords.

25 Q. While you were executing the search warrant,

1 your testimony here is that you did not expect to find a
2 safe there containing his passwords?

3 A. We did not have any knowledge of a safe
4 containing passwords.

5 THE COURT: Did you have any expectation
6 outside of knowledge, like just based on your training
7 and experience?

8 THE WITNESS: I mean, we expected to find a
9 safe. Most people have a safe in their home.

10 THE COURT: I guess that's what he was asking.
11 Go ahead.

12 Q. During your investigation of this case as well
13 you looked through Mr. Alrai's father's phone?

14 A. Yes.

15 Q. And on that phone you found e-mails regarding
16 the rental of office space at Regis for DTS?

17 A. Yes.

18 Q. On his father's phone?

19 A. Yes.

20 Q. During your investigation at some point you
21 also spoke to John Meyer?

22 A. Yes.

23 Q. John Meyer was the technical -- well, I guess
24 he was the IT person who United Way had brought in to
25 sort of help them do this transition?

1 A. Yes.

2 Q. And during your conversation with him you
3 discussed that he had been working with Coalfire?

4 MR. HUNTER: Objection, your Honor. This is
5 calling for hearsay, I believe.

6 MR. AYER: Your Honor, this was raised with
7 Mr. Meyer during his testimony. He testified he had no
8 knowledge of it. It came up with him, and this is to
9 get in his prior statements through a witness who may
10 have personal knowledge of them.

11 THE COURT: Okay. Proceed.

12 Q. So did you discuss Coalfire with Mr. Meyer?

13 A. I would have to review the 302, sir.

14 Q. Okay.

15 THE COURT: He was confronted with that and
16 given a chance to explain?

17 MR. AYER: Correct. Yes, he was, your Honor.

18 Q. Is this the report, interview of John Meyer?

19 A. Yes.

20 Q. September 18, 2019?

21 A. Yes.

22 Q. And is this the report you drafted as part of
23 your investigation here?

24 A. Yes.

25 Q. And you wrote that report closely after you

1 had that interview with Mr. Meyer?

2 A. Yes, I did.

3 Q. Trying to get down all the pertinent details
4 of your conversation with Mr. Meyer?

5 A. Yes.

6 Q. And if I can direct you to this paragraph
7 here, "Mr. Meyer advised that during his first two
8 months of being at the United Way, TBS sent the United
9 Way servers to a company called Coalfire to be imaged
10 and analyzed."

11 THE COURT: Please slow down. Please slow
12 down for the reporter.

13 MR. AYER: I'm sorry.

14 Q. Is that what that says there?

15 A. Yes, it is.

16 Q. So he did discuss Coalfire with you?

17 A. That's what he said about it. I don't recall
18 if there was more.

19 Q. Okay. Does seeing that in your report refresh
20 your recollection as to that part of the conversation?

21 A. I believe it was a fairly brief part of the
22 conversation, yes.

23 Q. Okay. Going on to the next page, he discusses
24 Coalfire more, right?

25 A. Yes.

1 Q. About Coalfire's recommendations on what
2 should happen next?

3 A. Yes.

4 Q. So you were made aware in January of 2019, at
5 this point almost a year ago, that the United Way
6 servers had been imaged and analyzed by this outside
7 company?

8 A. I believe that report was from September of
9 2019, sir.

10 Q. I'm sorry, you're right. So about three
11 months ago that the servers had been copied by Coalfire?

12 A. Yes.

13 Q. And the servers would have been from the
14 United Way, affecting United Way in this case?

15 A. Yes.

16 Q. And they could potentially have had some
17 electronic data that would have been relevant to this
18 case?

19 A. I don't know, sir.

20 Q. Did you ask Mr. Meyer about that?

21 A. I did not, sir.

22 Q. Did you ask him for a copy of the servers?

23 A. I did not, sir.

24 Q. Did you ask him for a copy of the analysis?

25 A. No, sir. I don't recall.

1 Q. Did you follow up with Coalfire?

2 A. No, sir.

3 Q. Did he offer to get them to you without you
4 asking?

5 A. I don't recall, no.

6 Q. Do you remember asking him whether those may
7 be relevant to this case?

8 A. No, sir.

9 Q. Or how they might be relevant?

10 A. No, sir. I was not directing that interview,
11 sir. I was taking notes. I was not the one asking
12 questions.

13 Q. All right. But you were there to observe the
14 conversation about Coalfire?

15 A. I was there to observe the interview and take
16 notes and write the report, sir.

17 Q. So you were there to observe the conversation
18 about Coalfire?

19 A. Yes. Yes.

20 Q. And do your notes here -- does your report
21 accurately reflect your then recollection of that
22 conversation?

23 A. Yes, sir.

24 Q. Do you also remember a portion of the
25 conversation in which you discussed a company called

1 RSM?

2 A. Vaguely. I'd have to look at the report, sir.

3 Q. Okay. Would it be in that same report?

4 A. I would assume so.

5 Q. I want to point you to -- I'll put it up here.

6 Do you recognize this report?

7 A. Yes.

8 Q. It states that John Meyer was interviewed
9 telephonically by you and United Way attorney, John
10 Commisso?

11 A. Yes.

12 Q. And it says the date of that is August 8,
13 2018?

14 A. Yes.

15 Q. And is that your report from that
16 conversation?

17 A. Yes.

18 Q. And again, you drafted that report shortly
19 after the conversation?

20 A. Yes.

21 Q. To the best of your recollection of that
22 conversation?

23 A. Yes, sir.

24 Q. So to the best of your knowledge and
25 recollection it accurately reflects your memory of that

1 conversation?

2 A. Yes, sir.

3 Q. And as part of that conversation -- actually,
4 I'll drag that down so it's already highlighted for you.

5 A. Okay.

6 Q. It says, "This server has been completely
7 protected within a few days and the forensic image of
8 the server was taken and sent to RMS," I believe we
9 discussed earlier that should have been RSM, "for
10 review."

11 So does that say that there was a server that
12 was forensically imaged and sent to this company for
13 review?

14 MR. HUNTER: Objection, your Honor. I don't
15 believe Mr. Meyer testified to anything inconsistent
16 with this on direct, and so I don't think this is proper
17 impeachment if that's what it's being offered for.

18 MR. AYER: Your Honor, my recollection is --

19 THE COURT: Overruled. Go ahead.

20 Q. So that discusses a forensic image of the
21 United Way servers being taken and sent to this company
22 for a review?

23 A. Yes.

24 Q. And that was communicated to you in August of
25 2018?

1 A. Yes.

2 Q. And that company was going to be doing a
3 review to determine if it says anything was accessed and
4 taken, right?

5 A. Correct.

6 Q. And below it confirms a forensic image of the
7 servers are also being completed and that information is
8 being passed to RMS for review?

9 A. Yes.

10 Q. Did you ever get a copy of that?

11 A. No, I did not.

12 Q. And that was an interview at this point that
13 you conducted, right?

14 A. Yes.

15 Q. And did you ask him for a copy of those?

16 A. I did.

17 Q. What was his response?

18 A. I was told it was privileged information and
19 they would have to look at it and consult us.

20 Q. Did you follow up with him about that?

21 A. It was not really my place. I told the
22 prosecutors about it, and they were the ones that were
23 dealing with that, not me.

24 Q. I'm sorry?

25 A. The prosecutors were dealing with working with

1 the United Way on privileged information, not me.

2 Q. Okay. Do you remember whether you documented
3 that conversation with the prosecutors in any report?

4 A. I don't recall, sir.

5 Q. Okay. Off the top of your head can you point
6 to a report where you would have talked about that
7 conversation with the prosecutors?

8 A. I probably wouldn't put that in a report, sir.

9 Q. I'm sorry?

10 A. I would not document that in a report, sir.

11 Q. You would not document a conversation about
12 your seeking to obtain evidence in a report?

13 A. No, sir. I would just talk to them about it,
14 sir.

15 Q. And that conversation occurred not even two
16 months after that June 12, 2018, conversation with Mr.
17 Alrai?

18 A. Say that again. I didn't understand. I'm
19 sorry.

20 Q. All right. This occurred on August 8, 2018,
21 right?

22 A. Yes, yes.

23 Q. And did the conversation with Mr. Meyer occur
24 that day or was this report written later?

25 A. The date on the bottom of the report should

1 have the date of when the conversation occurred with Mr.
2 Meyer.

3 Q. Okay. It says investigation August 8, 2018,
4 date drafted August 8, 2018?

5 A. So it was the same day.

6 Q. You would have drafted this report the same
7 day as the conversation?

8 A. Yes, sir.

9 Q. And August 8, 2018, is less than two months
10 beyond June 12, 2018, right?

11 A. Yes.

12 Q. And June 12, 2018, is when you executed the
13 search warrant?

14 A. Yes.

15 Q. And when the conversations with Mr. Alrai at
16 the United Way occurred?

17 A. Yes.

18 Q. And so that early into the investigation you
19 had been told that a forensic image of the servers had
20 been created, right?

21 A. Yes.

22 Q. And that forensic image of the servers could
23 have had information relevant to this case on them,
24 right?

25 A. I don't know, sir. I didn't see them.

1 Q. Your understanding was Mr. Alrai was the chief
2 information officer at this company, right?

3 A. Yes.

4 Q. And the allegations against him included
5 having a company under his control perform IT work for
6 United Way?

7 A. Yes. Yes, sir.

8 Q. So information regarding the United Way's IT
9 system could be relevant to that investigation of what
10 work was done, right?

11 A. Yes, sir.

12 Q. And that would have been on those forensic
13 images?

14 A. Possibly.

15 Q. You also testified on direct examination that
16 the Boston U.S. Attorney's Office had gotten involved in
17 this case or investigation or related investigation,
18 right?

19 A. They received a phone call from the United
20 Way.

21 Q. And your testimony was they had reviewed it
22 and had contacted you or Homeland Security about it,
23 right?

24 A. No, sir.

25 Q. No?

1 A. The Boston U.S. Attorney -- my understanding
2 is the Boston U.S. Attorney's Office received a phone
3 call from the United Way. They then contacted the
4 Boston FBI. The Boston FBI agent deconflicted the case
5 through the FBI systems and located an investigation I
6 had already opened in December of 2017 regarding this
7 matter.

8 Q. All right.

9 A. He contacted me and put us -- put myself and
10 the prosecutors in contact with the AUSA in Boston.

11 Q. Uh-huh.

12 A. That person helped us coordinate with the
13 United Way and meet with the United Way, and then
14 because our investigation was already ongoing they
15 stepped aside.

16 Q. Okay. And they stepped aside because they
17 felt there wasn't any criminal activity, right?

18 A. No, sir.

19 Q. No? It was a deconflicting process?

20 A. It was deconflicting because New Hampshire
21 already had a case open.

22 Q. Okay. So there is a report done on June 26,
23 2018, that states United Way representative Attorney
24 John Commisso, Richard Voccio, and John Mulvaney were
25 interviewed telephonically by you, correct?

1 A. Yes.

2 Q. Todd Donnelly?

3 A. Yes.

4 Q. Darlene Cacace?

5 A. Yes.

6 Q. And AUSA John Davis?

7 A. Yes.

8 Q. And the next paragraph states that United Way
9 contacted the USAO in Boston, advised they had a report
10 on the defendant, and later here it says, "It was
11 determined by the USAO of Boston that there was not any
12 criminal activity at that point." Right?

13 A. The United Way contacted Boston U.S.
14 Attorney's Office on two occasions, sir. The first
15 occasion that they contacted them I believe they said
16 they did not have any criminal activity. The second
17 time they contacted them on June 1, 2018, they advised
18 that they felt that there was now criminal activity,
19 sir.

20 Q. And that paragraph states that the United Way
21 continued their internal investigation and called the
22 USAO in Boston --

23 A. Again.

24 Q. -- on June 1, 2018, right?

25 A. Uh-huh.

1 Q. And advised that they, that being the United
2 Way --

3 A. Yes. Sorry. I'm sorry.

4 Q. Advised that they -- and they means the United
5 Way, right?

6 A. Yes.

7 Q. -- felt that there was criminal activity?

8 A. Yes. That's what the United Way felt and the
9 U.S. Attorney's Office -- that is at the point when the
10 U.S. Attorney's Office then contacted the FBI as well.

11 Q. Okay. But nowhere in that paragraph does it
12 say now the USAO in Boston now feels like there was any
13 criminal activity, right?

14 A. No, sir, but I can tell you about the
15 conversations we had.

16 Q. And nowhere in that report does it discuss the
17 deconflicting process, does it?

18 A. No, that would not be in the report, sir,
19 because it was a report of an interview, not a report of
20 what my actions were.

21 Q. And in fact the deconflicting process doesn't
22 appear in any report in this case, does it?

23 A. No.

24 Q. Just the USAO of Boston's opinion that there
25 was no criminal activity?

1 A. After the initial call.

2 MR. AYER: That's all I have, your Honor.

3 I'm sorry about my pace early on.

4 THE COURT: No problem.

5 MR. HUNTER: Thank you, your Honor.

6 REDIRECT EXAMINATION

7 BY MR. HUNTER:

8 Q. Special Agent Laroe, you were asked some
9 questions about whether or not you had requested imaged
10 hard drives from United Way to get relevant information
11 to the case. Do you recall that?

12 A. The questions, yes, sir.

13 Q. Yes. And you said you didn't, you didn't
14 request full images of servers; is that right?

15 A. Correct.

16 Q. But there were subpoenas issued to United Way
17 to get documents relevant to the case; is that correct?

18 A. Yes, sir.

19 Q. And the government received voluminous
20 documents from the United Way --

21 A. Yes, sir.

22 Q. -- that were relevant to the investigation; is
23 that correct?

24 A. Yes, sir.

25 Q. I guess to start where you left off with

1 conversations with the United States Attorney's Office
2 in Boston, the last 302 that we were looking at, that
3 was a report of interview?

4 A. Yes, it was.

5 Q. Can you just describe the context of that
6 interview?

7 A. I believe that was the initial interview with
8 the United Way to determine their knowledge of what was
9 going on with DigitalNet and what they reported has
10 happened in their internal investigation.

11 Q. And looking at what we were just looking at,
12 it looks like United Way initially reached out to the
13 Boston U.S. Attorney's Office in May early in their
14 investigation; is that right?

15 A. Yes.

16 Q. And they reached out later saying we have more
17 evidence?

18 A. Yes.

19 Q. And I think you were asked by defense counsel
20 about conversations you had with the Boston U.S.
21 Attorney's Office about whether or not they thought the
22 case was criminal?

23 A. Yes, sir.

24 Q. Did you have conversations with prosecutors of
25 the Boston U.S. Attorney's Office about whether they

1 thought this was a criminal case worth prosecuting?

2 A. I actually did, sir, yes.

3 Q. Can you describe it?

4 MR. AYER: I would object at this point, your
5 Honor. The reason being that that was offered as
6 essentially a prior inconsistent statement as to her
7 explanation of the history here. I don't think any
8 further discussion of that issue from the U.S.
9 Attorney's Office in Boston is relevant to whether her
10 statements on direct were consistent with her statements
11 in the report, so we would ask you to limit this
12 testimony.

13 THE COURT: Well, yeah, let me put it this
14 way. If I'm supposed to be concerned for 20 seconds
15 about the opinion of the U.S. Attorney's Office in
16 Boston, you don't need to worry about that. As a person
17 who formerly worked there as a prosecutor, I know what
18 that's worth. That was a joke. Nobody needs to worry
19 about it. I'm almost sort of chuckling up here
20 listening to people talk about it.

21 It was offered to impeach a prior statement.
22 You can explore it however you want. I'm not going to
23 limit you in any way, but to the extent I'm supposed to
24 be influenced by it, it won't happen.

25 MR. HUNTER: And, your Honor, the reason why

1 I'm offering it is to show that there was no
2 inconsistency in her testimony.

3 THE COURT: That's perfectly appropriate. So
4 overruled.

5 Q. So, Ms. Laroe, you were asked whether or not
6 the Boston U.S. Attorney's Office thought this case was
7 worth prosecuting and impeached with that report. Did
8 you have conversations with the Boston U.S. Attorney's
9 Office where they indicated whether or not they were --

10 THE COURT: You have to slow down.

11 Q. Sorry. Did you have conversations with the
12 Boston U.S. Attorney's Office where they indicated they
13 were interested in prosecuting the case?

14 A. Yes, sir, I did.

15 Q. And were they able to prosecute the case in
16 Boston?

17 A. They were not because we were already working
18 on it up here.

19 Q. Okay. Finally, you were asked some questions
20 about June 12th and coordinations with United Way in
21 their interview with Mr. Alrai?

22 A. Yes, sir.

23 Q. Did the FBI or Homeland Security ever direct
24 United Way as to how they should conduct their internal
25 investigation?

1 A. No.

2 Q. Did you ever ask them what questions to ask
3 Mr. Alrai when they confronted him on June 12th?

4 A. No.

5 Q. Did you ever receive a report from United Way
6 about what they talked about with Mr. Alrai?

7 A. No.

8 Q. And in fact it was well over a year later when
9 you finally saw notes from that interview; isn't that
10 correct?

11 A. Yes.

12 Q. And I think you testified that you were aware
13 that Mr. Alrai was -- or the FBI was aware that Mr.
14 Alrai was going to be in the office on June 12th?

15 A. Yes.

16 Q. And did law enforcement coordinate the timing
17 so that they could execute search warrants while Mr.
18 Alrai was in the office?

19 A. Yes.

20 Q. And execute search warrants in his house when
21 Mr. Alrai wasn't going to be at home?

22 A. Yes.

23 Q. But again, did you or did Homeland Security
24 ever direct United Way in how they conduct their own
25 internal investigation?

1 A. No.

2 MR. HUNTER: No further questions, your Honor.

3 THE COURT: Recross?

4 MR. AYER: No, your Honor.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you.

7 MR. HUNTER: The government calls John
8 Mulvaney.

9 JOHN MULVANEY

10 having been duly sworn, testified as follows:

11 THE CLERK: For the record, state your name
12 and spell your last name.

13 THE WITNESS: Yes. My name is John Mulvaney,
14 M-U-L-V-A-N-E-Y.

15 DIRECT EXAMINATION

16 BY MR. HUNTER:

17 Q. Good morning, Mr. Mulvaney.

18 A. Good morning.

19 Q. I'm sure you've testified before but as you
20 can see we, we have a court reporter in the courtroom.
21 I would just ask that you speak slowly and clearly, some
22 instructions that I often do not follow, and speak into
23 the microphone.

24 A. Okay.

25 Q. Sir, how are you employed?

1 A. So I'm employed by CBIZ, which is a public
2 accounting firm.

3 Q. A public accounting firm, you said?

4 A. Correct.

5 Q. And what do you do for CBIZ?

6 A. So I lead the white collar and government
7 enforcement practice. We conduct internal
8 investigations on behalf of companies who are victimized
9 by employees through some type of fraudulent scheme. We
10 also represent companies who find themselves as targets
11 or subjects of law enforcement or regulatory inquiries.

12 Q. How large is CBIZ?

13 A. We're about the tenth largest public
14 accounting firm in the country. We have approximately a
15 hundred offices and 3,000 employees here in the U.S.

16 Q. How do the accounting and investigation arms
17 of CBIZ interrelate, if at all?

18 A. It's a separate entity within CBIZ. So
19 traditionally CBIZ and a lot of public accounting firms
20 are largely audit and tax oriented, but our practice,
21 the advisory practice, is a very small practice within
22 the company itself.

23 Q. Okay. How many investigations have you
24 conducted since being involved with CBIZ?

25 A. I would say approximately ten while I've been

1 with CBIZ over the last six years.

2 Q. Okay. On average, about how many per year?

3 A. Approximately two, two per year.

4 Q. What did you do before you worked at CBIZ?

5 A. Well, I started -- I was with the FBI for 26
6 years, and then after retiring from the FBI went to work
7 for the Special Inspector General's Office for the
8 Troubled Asset Relief Program commonly referred to as
9 TARP. After two years there I did a brief stint at
10 Grant Thornton before joining CBIZ in 2013.

11 Q. As part of your work at CBIZ were you involved
12 in an internal investigation at United Way regarding
13 Imran Alrai?

14 A. Yes, I was.

15 Q. And when was that?

16 A. May of 2018.

17 Q. And was CBIZ engaged by United Way's outside
18 counsel for its internal investigation?

19 A. Yes. Yes, we were.

20 Q. And as part of that initial engagement in May
21 of 2018, did United Way agree to pay CBIZ for your time
22 in preparing and testifying for trial?

23 A. Yes, it did.

24 Q. Now, are you an employee of CBIZ?

25 A. Yes, I am.

1 Q. Are you an owner?

2 A. I am not.

3 Q. Are you paid a salary at CBIZ?

4 A. Yes, I am.

5 Q. Do you occasionally get a bonus?

6 A. Yes.

7 Q. Are your bonus or salary in any way dependent
8 on the outcome of any of your investigations at CBIZ?

9 A. No.

10 Q. And that includes the United Way
11 investigation?

12 A. Correct.

13 Q. Are your salary and bonus tied to the time
14 spent on any particular investigation at CBIZ?

15 A. No, it's based on the financial performance of
16 our group for each year. It has nothing to do with the
17 outcome of any of the investigations that we handle.

18 Q. And to be clear, United Way is not paying you;
19 they're paying CBIZ?

20 A. Correct.

21 Q. So going back to May of 2018, what were you
22 asked to do?

23 A. We were asked to investigate a previously
24 undisclosed relationship between their IT director, Mr.
25 Imran Alrai, and one of their third-party vendors,

1 DigitalNet Technology Solutions.

2 Q. While you were conducting your internal
3 investigation at United Way, were you aware of any
4 potential criminal investigation into Mr. Alrai's
5 conduct?

6 A. Initially we were not.

7 Q. Okay. When did you become aware of any
8 criminal investigation?

9 A. I think it was approximately late May, early
10 June is when we first learned of a criminal
11 investigation.

12 Q. Okay. At any point in your internal
13 investigation were you told what to do by any law
14 enforcement officers?

15 A. No.

16 Q. Were any questions you asked Mr. Alrai --
17 strike that.

18 Did you ever meet with Mr. Alrai and talk with
19 him?

20 A. Yes.

21 Q. Did law enforcement, the FBI, Homeland
22 Security, or any other law enforcement tell you what to
23 ask Mr. Alrai?

24 A. No. We were conducting our internal
25 investigation on behalf of United Way and the board of

1 directors. We were not directed at any way, shape, or
2 fashion by the DOJ, the FBI, or the U.S. Attorney's
3 Office.

4 Q. Okay. And in 2018 did you share any of the
5 information you learned in your interview with Mr. Alrai
6 to law enforcement?

7 A. We shared a little bit. I mean, the
8 investigation was an attorney-client privileged
9 investigation so we shared a little bit of information.
10 The initial contact that Mr. Commisso had made with the
11 U.S. Attorney's Office in Boston, he outlined the --
12 generally what the investigation was about. I don't
13 think -- without even naming who the subject of the
14 investigation was, and it was shortly after that that we
15 learned that an investigation was already being
16 conducted from the U.S. Attorney's Office in New
17 Hampshire.

18 We did have some conversations, a few
19 conversations with the U.S. Attorney's Office leading up
20 to the interview of Mr. Alrai on June 12th, but they
21 were very limited.

22 Q. Okay. You were never told what to do?

23 A. No, not at all.

24 Q. All right. So let's talk about June 12th.
25 Did you interview Mr. Alrai on June 12, 2018?

1 A. I did, along with Mr. -- or Attorney John
2 Commisso.

3 Q. And again, not to belabor the point, but were
4 any law enforcement agencies involved in that interview?

5 A. They were not.

6 Q. And prior to June 12, 2018, did you ever
7 interact with Mr. Alrai?

8 A. No.

9 Q. And have you interacted with him since?

10 A. No.

11 Q. Generally, what did you do to prepare for that
12 June 12th meeting?

13 A. During the approximately four to five weeks
14 between the time we were retained and the actual
15 interview of Mr. Alrai, we reviewed many documents that
16 had been provided to us by United Way. We had
17 interviewed several United Way members of the senior
18 management team and I believe we reviewed some public
19 documents, documents that we had obtained publicly.

20 Q. Okay. What was the goal of the meeting with
21 Mr. Alrai?

22 A. So the goal was really twofold. Number one,
23 it was -- we really wanted to determine if in fact
24 DigitalNet Technology Services (sic) was a legitimate
25 organization, you know, whether or not it was an

1 independent third-party vendor of United Way or was it
2 simply a part of this apparent scheme that Mr. Alrai had
3 employed to defraud United Way.

4 The second most critical objective of the
5 interview was to locate -- identify, locate, and regain
6 custody of the data that was stored on many of these
7 servers belonging to United Way.

8 At that point in time United Way was not able
9 to ascertain where these servers were and whether or not
10 the information that was contained on those servers was
11 adequately protected.

12 Q. Okay. Could you describe how the June 12th
13 meeting began?

14 A. At the outset of the interview Attorney
15 Commisso and myself advised Mr. Alrai of our identities,
16 why we were conducting this interview. Mr. Alrai was
17 advised of the Upjohn warnings by Mr. Commisso, and then
18 shortly after those formalities we began talking to him
19 about DigitalNet.

20 Q. Okay. Can you briefly describe what an Upjohn
21 warning is?

22 A. The Upjohn warnings are similar to Miranda
23 warnings in that Mr. Alrai was advised that we were
24 conducting the investigation on behalf of United Way,
25 the privilege resided with United Way, and that any

1 information that Mr. Alrai provided to us could be
2 disclosed by United Way at any time.

3 He was also advised that because he was an
4 employee of the company, he was required to cooperate
5 with the investigation or with the interview.

6 Q. Okay. The meeting started. What was Mr.
7 Alrai's demeanor?

8 A. I described it -- I would describe it as he
9 was wary of myself and Mr. Commisso, and I think that
10 wariness continued throughout the entire interview. He
11 was reserved, and I think he was very careful in
12 providing the answers to the questions that we posed of
13 him.

14 Q. And where did the interview take place?

15 A. It took place in a small conference room at
16 the offices of the United Way.

17 Q. Was that a conference room with windows
18 looking outside?

19 A. It had a window or windows looking outside.

20 Q. Did you shut the door for privacy?

21 A. We did close the door because of privacy, yes.

22 Q. So what was the first thing you talked about
23 with Mr. Alrai?

24 A. We talked about DigitalNet in generality, you
25 know, who comprised of the IT community within United

1 Way. Other than Mr. Alrai, he had two embedded
2 DigitalNet employees, Nadeem Yousef and Jasmin Iqbal.
3 He also had two United Way employees who acted or worked
4 as analysts on behalf of Mr. Alrai.

5 Q. Okay. I'm just shifting gears a little bit.
6 Did you ever talk about Robert Allen Group in the
7 interview?

8 A. We eventually got to Robert Allen when we were
9 going over Mr. Alrai's employment history. He had
10 advised us that he had worked at Robert Allen from 2006
11 to 2012 before he was employed at United Way.

12 Q. Did he ever indicate that his employment
13 overlapped with Robert Allen?

14 A. I don't ever recall him stating that his
15 employment with Robert Allen overlapped with his
16 employment at United Way.

17 Q. At some point did he give a date of his
18 employment at Robert Allen ending in 2013; do you
19 recall?

20 A. He did. I believe it went into 2013, but it
21 didn't have any meaning to us at that point in time. We
22 were just trying to obtain as much information -- so the
23 2013, I certainly didn't pick up on it initially.

24 Q. Did Mr. Alrai say anything about how he found
25 out about DigitalNet?

1 A. He learned about -- Mr. Alrai said that he
2 learned about DigitalNet when he was at Robert Allen
3 Group he had done -- he had used them for some small
4 projects. He could not provide us the names of the
5 DigitalNet employees that he worked with on those small
6 projects.

7 Q. Did he say anything about whether there were
8 any formal contracts between DigitalNet and Robert Allen
9 Group?

10 A. I don't know if he said anything about
11 contracts, but he was specific about hiring DigitalNet
12 to perform some IT related services on behalf of Robert
13 Allen.

14 MR. HUNTER: Your Honor, may I approach to --

15 Q. Will your notes refresh your recollection
16 about --

17 A. Yes, they would.

18 MR. HUNTER: Your Honor, may I approach?

19 THE COURT: Of course. You may throughout
20 your examination.

21 Q. Mr. Mulvaney, I'm just directing your
22 attention to this note here.

23 A. Yeah, my notes indicate that he used the
24 DigitalNet services but no formal contracts.

25 Q. And that's what Mr. Alrai told you?

1 A. Yes.

2 Q. So while he was at Robert Allen Group there
3 were no formal contracts between Robert Allen Group and
4 DigitalNet --

5 A. Correct.

6 Q. -- but he did use their services. That's what
7 he said.

8 All right. Did you discuss Mr. Alrai's role
9 at United Way?

10 A. Yes, we did.

11 Q. Okay. What did you discuss?

12 A. He was hired in 2012 as the director of their
13 IT services, their internal IT community. Shortly after
14 arriving at United Way he conducted an assessment of the
15 IT community itself and realized that it had some
16 serious issues. There was no data discovery program in
17 place. He had approximately 30 different programs that
18 were not integrated or speaking with each other. I
19 think their credit card account had been hacked into the
20 previous year and a lot of unhappy end users.

21 Q. Did you talk at all with Mr. Alrai about the
22 2012 and '13 RFP process to hire an outside IT vendor?

23 A. Yes, we did.

24 Q. What did you talk about?

25 A. Shortly after that assessment was performed by

1 Mr. Alrai they agreed that they had to put out a
2 proposal for services. So he, along with Ms. Pat
3 Latimore, who was his direct supervisor, and Mr. Stanley
4 Burrows, who was on the steering committee, worked
5 together in putting together that RFP process.

6 Q. And again, this was what Mr. Alrai was telling
7 you?

8 A. Yes. That's what he said to us, yes.

9 Q. Okay. What else did he say?

10 A. Mr. Alrai was very important or an integral
11 part of that entire process writing the technical
12 aspects of the RFP itself. He worked along with Ms.
13 Latimore and Mr. Burrows in preparing that RFP and
14 eventually sending it out to potential responders.

15 Q. What did Mr. Alrai say about the responses
16 that came back?

17 A. He said there were approximately seven to
18 eight companies that had responded. We had reviewed
19 some of the RFP documents and there was a list of 13 I
20 think, I believe, companies that they intended on
21 soliciting, and Mr. Alrai said approximately seven to
22 eight of those companies responded.

23 Q. Did he talk about how they were scored?

24 A. Pardon me?

25 Q. Did he talk about how the responses were

1 scored?

2 A. Through e-mail, through telephone calls.

3 Q. Did you ask Mr. Alrai where records regarding
4 the RFP process would be located?

5 A. We did.

6 Q. What did he say?

7 A. He said he may have had some of those records
8 in his office. He believed that some of them were with
9 the procurement department within United Way as well as
10 the accounting and finance department.

11 Q. Did Mr. Alrai say who was responsible for
12 circulating the RFP to potential respondents?

13 A. I don't know if he specifically said who was
14 responsible, but I -- I don't recall.

15 Q. All right. What did Mr. Alrai say about the
16 companies that responded to the RFP?

17 A. He said there were three or four companies
18 that -- well, I should say there were seven to eight
19 companies that initially responded and then between
20 three and four companies were finalists, deemed
21 finalists in the process.

22 Q. Did Mr. Alrai say that he met with the
23 respondents, the finalists?

24 A. He said he met with -- over a two-month period
25 he met with the respondents as well as communicated with

1 them via e-mail and telephone.

2 Q. Did Mr. Alrai talk about DigitalNet's RFP
3 response?

4 A. He did.

5 Q. What did he say?

6 A. He said DigitalNet was one of three finalists.
7 There were three or four finalists -- there were
8 actually three finalists based on the documents that we
9 reviewed that were provided to us by United Way.
10 DigitalNet was one of those, one of the three finalists.
11 Two representatives from DigitalNet had actually met
12 with Mr. Alrai and Ms. Latimore at the United Way
13 office.

14 Q. Did Mr. Alrai say whether or not DigitalNet
15 employees met with Mr. Burrows?

16 A. Met -- I'm sorry?

17 Q. With Mr. Burrows? If you recall.

18 A. I don't know if he specifically said that. It
19 was my impression that he had.

20 Q. Okay. Did you talk with Mr. Alrai about
21 employees at DigitalNet?

22 A. Yes.

23 Q. Who did he mention as DigitalNet employees?

24 A. As far as meeting at United Way or --

25 Q. In general.

1 A. In general. He mentioned -- the primary
2 person that Mr. Alrai dealt with on a weekly or at least
3 a monthly basis was Mohammad Hassan. Most of the
4 invoices that Mr. Alrai received from DigitalNet came
5 directly from Mr. Hassan via an e-mail or DropBox. Kal
6 Wahbe was an employee. He was considered the architect
7 of the IT infrastructure. He also mentioned an
8 individual by the name of Mike.

9 Q. Did you get Mike's last name?

10 A. No, Mr. Alrai could not provide us the last
11 name of Mike.

12 Q. What did he say about Mike?

13 A. Mr. Alrai said that he believed Mike lived in
14 Massachusetts and that he did have his contact
15 information but he would have to provide it to us at a
16 later time.

17 Q. Okay. Who else did you talk about?

18 A. He did refer to -- one of the two people that
19 had actually met with a United Way representative was
20 Kal Wahbe and then another individual whose name he
21 could not recall, he said that that person was in charge
22 of business development for DigitalNet.

23 Q. Okay. So he said there was another person in
24 charge of business development but he wasn't sure of the
25 name?

1 A. He could not recall the name of that person.

2 Q. Okay. Did he talk about employees embedded at
3 United Way?

4 A. I'm sorry?

5 Q. Did he talk about employees embedded at United
6 Way?

7 A. Yes.

8 Q. And who were they?

9 A. Nadeem Yousuf was one of the two. He had been
10 there for five years, since the beginning of the
11 contract with DigitalNet, and then a Jasmin Iqbal I
12 believe is the second employee who was embedded at
13 United Way. She had been there for about two years.

14 Q. Just regarding Mohammad, did Mr. Alrai
15 indicate whether anyone else at United Way had ever met
16 Mohammad, Mohammad Hassan?

17 A. I don't believe so.

18 Q. So you mentioned part of the -- this was about
19 figuring out where United Way's data was stored. Did
20 you ask Mr. Alrai about the companies hosting United
21 Way's servers?

22 A. I believe we did ask him that, yes.

23 Q. Okay. And did he indicate what the companies
24 were, where the servers were located?

25 A. You mean as far as the outside services that

1 provided that?

2 Q. Yes.

3 A. I believe it was VMWare was one company, and
4 then I think IBM provided the infrastructure, the
5 physical or the hardware for the IT services.

6 Q. Was it IBM or OVH?

7 A. It could have been OVH. It was one of the
8 two. I think one had succeeded the other at one point
9 in time.

10 MR. HUNTER: May I approach, your Honor?

11 THE COURT: Of course. Throughout your exam.

12 Q. Showing you a page from your handwritten
13 notes, would you just review that and see if it
14 refreshes your recollection?

15 A. So Virtual Data Systems was the cloud
16 computing company. OVH was part of the VMWare.

17 Q. And again, this is all coming from Mr. Alrai?

18 A. Yes.

19 Q. Did you talk at all with Mr. Alrai about
20 DigitalNet invoicing?

21 A. Yes.

22 Q. Can you describe that conversation?

23 A. We had asked him how he received the invoices.
24 As I just mentioned, he received them from Mohammad
25 Hassan via e-mail or DropBox. After Mr. Alrai had an

1 opportunity to review that invoice or invoices, he then
2 provided them to accounts payable, at which time they
3 were later paid.

4 Q. Okay. What did Mr. Alrai say about how much
5 DigitalNet was paid by United Way?

6 A. He estimated on an annual basis between
7 900,000 and a million dollars, I believe.

8 Q. What services did Mr. Alrai say DigitalNet was
9 providing for that money?

10 A. It provided all aspects of the IT. They
11 provided the software, the services, the infrastructure.
12 They handled all of the issues, common issues that occur
13 on a daily basis.

14 Q. Did you talk with Mr. Alrai about the due
15 diligence done at United Way when DigitalNet was brought
16 on in 2013?

17 A. Yes.

18 Q. Could you describe that conversation, please?

19 A. He -- DigitalNet had provided to Mr. Alrai and
20 to Ms. Latimore information pertaining to DigitalNet
21 explaining the nature of the company, where it worked.
22 It worked in South Asia, the Middle East, as well as the
23 North Americas. There were three principals of the
24 company. And also at one point in time Ms. Latimore had
25 asked for references. Mr. Alrai had communicated with

1 Mr. Mohammad Hassan asking for those references. Three
2 of those references were provided by Mr. Hassan.

3 Q. Did Mr. Alrai talk at all about any further
4 due diligence done with Jack Rotondi in 2016?

5 A. 2016 Ms. Latimore had some concerns about the
6 company. They requested again additional references
7 from DigitalNet.

8 Q. Did Mr. Alrai indicate whether or not that had
9 been provided?

10 A. Yes, he did.

11 Q. What did he say?

12 A. I'm sorry?

13 Q. What did he say?

14 A. He just said that they dealt with Jack Rotondi
15 in obtaining those references.

16 Q. Now, at some point in the conversation did
17 John Meyer come into the room?

18 A. Yes.

19 Q. And who is John Meyer?

20 A. John Meyer was the leader of TBS, which is an
21 IT consulting business. They had been hired by United
22 Way just prior to the interview of Mr. Alrai for
23 purposes of taking over control of the IT system after
24 Mr. Alrai was interviewed.

25 Q. Okay. Was Mr. Meyer looking for passwords?

1 A. He was looking for passwords. He came into
2 the room and advised us that the passwords that they had
3 obtained from interviews of other DigitalNet and United
4 Way employees were not working. At that point in time
5 they could not access any of this data.

6 Q. How did Mr. Alrai respond to this request for
7 passwords?

8 A. He said -- Mr. Alrai said that he had that
9 information in his residence, at his residence.

10 Q. Did he say where in his residence?

11 A. He said it was in a safe in his residence.

12 Q. What happened after Mr. Alrai said the
13 passwords were in a safe in his home?

14 A. I asked Mr. Alrai if it was appropriate for
15 passwords such as these to be maintained at an
16 individual's residence.

17 Q. How did Mr. Alrai respond?

18 A. His reply to me was, you tell me.

19 Q. What was his demeanor when he said that?

20 A. I was taken aback by it. I think it was
21 viewed as being somewhat aggressive. I think -- my
22 sense is that he was acknowledging that it was not
23 appropriate for one person such as Mr. Alrai to have
24 access to those passwords, one and only person, and it
25 was inappropriate to maintain those passwords at

1 someone's residence rather than on the premises of his
2 employer.

3 MR. HARRINGTON: Objection, Judge. I'd move
4 to strike the testimony as speculative.

5 THE COURT: I'm not going to strike it, but I
6 view it as a very subjective interpretation of the
7 interview, but that's what you asked for and that's what
8 he gave you for what it's worth.

9 MR. HUNTER: Thank you, your Honor.

10 THE COURT: I won't strike it, but --

11 Q. Did you ever ask Mr. Alrai about AISA
12 Consulting?

13 A. Yes.

14 Q. Why did you ask him about that?

15 A. AISA Consulting was a company that United Way
16 had initially discovered in early 2018 as a company that
17 was owned by Mr. Alrai, and they linked the address of
18 AISA Consulting to that -- to one of two addresses that
19 DigitalNet utilized.

20 Q. What did Mr. Alrai say about AISA Consulting?

21 A. He said that AISA Consulting was a company
22 that he owned. It had a small office space in Windham,
23 New Hampshire. He had used it for small consulting jobs
24 but had not used it in a while.

25 Q. Okay. Just for clarity, I'm saying AISA,

1 you're saying AISA.

2 A. AISA, I'm sorry.

3 Q. This is spelled A-I-S-A, all caps?

4 A. Correct.

5 Q. Did you also ask Mr. Alrai about an AISA or
6 AISA Corporation?

7 A. Yes.

8 Q. Why did you ask him about that?

9 A. Mr. Alrai's resume indicated that he worked
10 for AISA Corporation from May of 1998 until 2006 before
11 he went to work for Robert Allen Group. We also
12 observed or reviewed a public document that indicated
13 that Mr. Alrai was the only employee of AISA Corporation
14 beginning in July of 2004 in Reston, Virginia.

15 MR. HUNTER: Okay. Ms. Sheff, could you put
16 on the screen Exhibit 405?

17 Q. Is this Mr. Alrai's resume?

18 A. Yes.

19 MR. HUNTER: Could you go to page 3, Ms.
20 Sheff?

21 Q. Okay. And is this the entry regarding AISA
22 Corporation in Reston, Virginia?

23 A. Yes.

24 MR. HUNTER: Ms. Sheff, could you please pull
25 up Exhibit 208?

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25

Q. This says AISA Corporation at the top.

MR. HUNTER: Could you go down to the next page, Ms. Sheff?

Q. So this is Imran Alrai, Reston, Virginia. Now, have you seen this document in particular before, Mr. Mulvaney?

A. No, I have not.

Q. But you did a Lexis search; is that right?

A. Correct.

Q. And it discussed the incorporation of AISA Corporation in Virginia?

A. Yes.

Q. This is a document that's in evidence.

MR. HUNTER: Could you go to the next page, Ms. Sheff?

Q. That's the certificate of incorporation for AISA Corporation?

A. I've never seen this document.

MR. HUNTER: Keep going, Ms. Sheff, just on the screen.

Q. Does this document list the directors of AISA Corporation as Imran Alrai and Saima Alrai?

MR. HARRINGTON: I'm just going to object, Judge. It's already in evidence. The testimony has

1 been covered already. This seems to be cumulative.

2 THE COURT: That's true. Why do you want to
3 cover it again?

4 MR. HUNTER: Yes, your Honor, just to provide
5 the Court with context of AISA Corporation and Mr.
6 Mulvaney --

7 THE COURT: Why don't you lead him a bit, hit
8 the highlights and move on.

9 MR. HUNTER: Thank you, your Honor.

10 Q. So, Mr. Mulvaney, this -- and the address for
11 Mr. Alrai, is that 11703-C Summerchase Circle in Reston,
12 Virginia?

13 A. I'm sorry?

14 Q. The address listed here is Reston, Virginia?

15 A. Yes. That's the same address that we observed
16 on a Lexis-Nexis document.

17 Q. Thank you.

18 MR. HUNTER: You can take this down, Ms.
19 Sheff?

20 Q. Were you also aware that Mr. Alrai had listed
21 as references for himself when he came to United Way and
22 then later references for DigitalNet had been provided
23 from AISA Corporation?

24 A. Well, when he began work -- well, prior to
25 being hired at United Way he had provided references

1 from AISA Consulting.

2 Q. Okay.

3 MR. HUNTER: Ms. Sheff, could you put Exhibit
4 601 on the screen, please?

5 Q. Is this the document providing references?

6 A. Yes.

7 Q. And do you see Steve R. Anderson, Chairman and
8 CEO of AISA Corporation?

9 A. Yes.

10 Q. With an AISA Consulting e-mail address?

11 A. Correct.

12 Q. And then Faisal Bhatti, Senior Vice President
13 North America of AISA Corporation with an AISA
14 Consulting e-mail address. Do you see that?

15 A. Correct. Yes. Those are the two references
16 that we picked up on when we saw the e-mail addresses
17 for both of them.

18 Q. Thank you.

19 MR. HUNTER: And could you pull up Exhibit
20 613, please, Ms. Sheff? Can you scroll down? Up one
21 page.

22 Q. This is a reference for DigitalNet; is that
23 correct?

24 A. Correct.

25 Q. And again, Steve R. Anderson, CEO, AISA

1 Systems Corporation in Fairfax, Virginia?

2 A. A little different name, but it was still AISA
3 Systems Corporation, correct.

4 Q. Okay. And also Steve Anderson?

5 A. Yes.

6 Q. When you initially brought up AISA
7 Corporation, what did Mr. Alrai say at first?

8 A. He initially said he didn't know anything
9 about the company.

10 Q. Now, as you discussed it more -- and actually
11 after he said that, you were aware generally of these
12 documents or the fact that there was an AISA Corporation
13 registered to Mr. Alrai?

14 A. Yes. Correct.

15 Q. So as you discussed AISA Corporation more, did
16 Mr. Alrai eventually admit to knowing of AISA
17 Corporation?

18 A. He admitted to working for Mr. Anderson at
19 AISA Corporation. He worked there for approximately
20 five years I think he said. He managed the IT systems.
21 We asked Mr. Alrai how we could get in touch with Mr.
22 Anderson. Mr. Alrai said that he had not kept in touch
23 with Mr. Anderson and could not provide us with any
24 contact information.

25 Q. Did Mr. Alrai say anything about whether AISA

1 Consulting or AISA Corporation worked with DigitalNet?

2 A. He said neither company worked with
3 DigitalNet.

4 Q. So up to this point in the interview how was
5 Mr. Alrai's demeanor? What was the tenor of the
6 conversation?

7 A. Well, it wasn't an easy exchange of
8 information. As I said earlier, he was very wary at the
9 outset and that wariness I think continued to the point
10 where he advised us that he no longer wanted to answer
11 any questions.

12 Q. Okay. Was that when you started asking more
13 pointed questions about AISA?

14 A. It was shortly after that, yes. We were
15 talking about AISA -- just before we started talking
16 about AISA we had asked if we could image his telephone.
17 He refused to provide us consent to do that. We spoke
18 then again -- or I should say we spoke then about AISA
19 Consulting, and then we switched to his father, Munawar
20 Chaudhary.

21 Q. And it was at that point he said he didn't
22 want to answer anymore questions?

23 A. It was at that time he did not want to answer
24 any further questions.

25 Q. And did he keep answering questions when you

1 asked him?

2 A. Yes, he did.

3 Q. So what did you ask Mr. Alrai about Munawar or
4 Mac Chaudhary?

5 A. Well, we knew at that time that his father's
6 name was listed on an employee document that we observed
7 taken from his personnel folder. It was emergency
8 contact information. He had listed Munawar Chaudhary as
9 his father who lived in Massachusetts.

10 And then we showed him a document, it was a
11 Massachusetts application for a foreign LLC where Mr.
12 Munawar, middle initial A., Chaudhary's name appeared on
13 that document.

14 MR. HUNTER: Ms. Sheff, would you put Exhibit
15 209 on the screen, please?

16 THE COURT: I want to give the court reporter
17 a little break. She's been going an hour and a half.
18 We'll take the morning break.

19 (RECESS)

20 THE COURT: Mr. Hunter, you may proceed.

21 Mr. Mulvaney, you're still under oath.

22 THE WITNESS: Yes, your Honor.

23 Q. Mr. Mulvaney, we were talking about, you were
24 beginning to ask the defendant about Mac Chaudhary or
25 Munawar Chaudhary. Is this the document you were

1 referring to, incorporation document?

2 A. Yes, it is.

3 Q. And we see here it says for DigitalNet
4 Technology Solutions, LLC with a principal business
5 office of 31 Lowell Road, Suite 1, in Windham, New
6 Hampshire?

7 A. Correct.

8 Q. And did you also see that same address
9 associated with AISA Consulting, Mr. Alrai's company?

10 A. Yes.

11 Q. And then at the bottom here, this is listing a
12 manager, Munawar A. Chaudhary, with that same address?

13 A. Yes.

14 MR. HUNTER: And Ms. Sheff, could you go to
15 the next page?

16 Q. And again, Munawar Chaudhary is also listed up
17 here?

18 A. Yes, that's correct.

19 Q. As the person authorized to execute,
20 acknowledge, or deliver a record for the company?

21 A. Yes.

22 Q. So you asked Mr. Alrai -- did you ask Mr.
23 Alrai about Munawar A. Chaudhary?

24 A. Yes, we did.

25 Q. And can you describe that conversation,

1 please.

2 A. We showed the document to Mr. Alrai, and he
3 said he was not aware of his father's name appearing on
4 the document.

5 Q. And there's a signature on the bottom here.
6 What did Mr. Alrai say about the signature?

7 A. Mr. Alrai said that he did not sign his
8 father's name to the document.

9 Q. Did you ask Mr. Alrai about his father's
10 middle initial?

11 A. Yes.

12 Q. What did Mr. Alrai say?

13 A. He did not know what the middle initial A.
14 stood for.

15 Q. Did you also ask Mr. Alrai about the United
16 Way conflict of interest form that he signed?

17 A. Yes.

18 MR. HUNTER: Ms. Sheff, can you please pull up
19 Exhibit 412, and please go to the 2016 form?

20 Q. Is this the form you showed Mr. Alrai?

21 A. Yes, it is.

22 Q. Okay. What did you ask him about this?

23 A. I asked Mr. Alrai if the form was accurate.

24 Q. How did he respond?

25 A. He said he did not know. He refused to answer

1 yes or no.

2 Q. Okay.

3 MR. HUNTER: Could you go to the next page,
4 Ms. Sheff?

5 Q. This appears to be signed by Mr. Alrai on
6 March 15, 2016?

7 A. Yes.

8 Q. Did you ask Mr. Alrai about his wife working
9 at Pentucket Bank?

10 A. Yes.

11 Q. What did he say?

12 A. He confirmed that his wife worked as a manager
13 at the Pentucket Bank.

14 Q. Was that in Salem, New Hampshire? Did you ask
15 him about the location?

16 A. I don't believe we asked him what location it
17 was.

18 Q. At the end of the interview did you ask Mr.
19 Alrai again about whether he manipulated the scoring
20 process --

21 A. Yes.

22 Q. -- of the RFP? The RFP that led to DigitalNet
23 being hired by United Way?

24 A. Yes.

25 Q. And what did from Mr. Alrai say?

1 A. Mr. Alrai said that he did not manipulate the
2 scoring system at all with respect to the RFP and he did
3 not provide any inside information or sensitive
4 information to DigitalNet prior to the awarding of the
5 contract.

6 Q. At any point in the interview did Mr. Alrai
7 indicate or say that he had provided false information
8 to United Way about DigitalNet?

9 A. No, he did not.

10 Q. Did he say he provided false information about
11 DigitalNet's customers?

12 A. No.

13 Q. Or DigitalNet's experience?

14 A. No.

15 Q. At any point did Mr. Alrai indicate that he
16 owned DigitalNet?

17 A. No.

18 Q. Did he indicate in any way in this
19 conversation that he was associated with DigitalNet in
20 any way?

21 A. No.

22 MR. HUNTER: Nothing further at this time,
23 your Honor.

24 THE COURT: Cross.

25 CROSS-EXAMINATION

1 BY MR. HARRINGTON:

2 Q. Good morning, Mr. Mulvaney.

3 A. Good morning.

4 Q. How are you today, sir?

5 A. Fine, thank you.

6 Q. Sir, let me ask you, you were an FBI agent I
7 think you indicated for a while, over 25 years?

8 A. 26 years.

9 Q. 26. And as part of that I would assume your
10 duties were to investigate criminal activity?

11 A. Correct.

12 Q. And part of that would be to question suspects
13 and other witnesses?

14 A. Yes.

15 Q. And one of the things that you want to do when
16 you're questioning a suspect or a witness is make sure
17 that all the information that you were able to obtain
18 from them is accurate and correct when you obtain it
19 from them, right?

20 A. Yes.

21 Q. And one of the ways that you do that when
22 you're interviewing somebody is you might take notes,
23 correct?

24 A. Correct.

25 Q. And then you would take those notes and create

1 a report, usually in close proximity to the time you
2 take the notes, right?

3 A. Correct.

4 Q. Usually same day?

5 A. Within the FBI it was a five-day rule.

6 Q. So pretty quick?

7 A. Correct.

8 Q. Additionally, another way, probably the most
9 accurate way would be to actually record the interviews,
10 whether it's a questioning of a suspect or the
11 questioning of a witness, because you're getting their
12 words on tape, right?

13 A. We were prohibited from recording interviews
14 in the FBI unless we got authorization.

15 Q. Okay. I'm talking about like a witness
16 interview or a questioning of a suspect. You wouldn't
17 sit down and ask, you know, hey, I'm going to question
18 you about something, is it okay if I record you?

19 A. It is one method, but it's not a method that
20 I've ever used.

21 Q. Okay. You don't have to get special
22 permission if they agree to a recording, right?

23 A. In what instance now? In this --

24 Q. In the FBI?

25 A. No, I would have to get authorization before

1 doing it, and then, of course, yes, we would have to ask
2 for consent from the individual that we were
3 interviewing to be taped, correct.

4 Q. Okay. So you would agree with me, and tell me
5 if you don't, would you agree with me that recording an
6 interview is more accurate than taking notes about the
7 interview?

8 A. You know, I don't know, because I've never
9 recorded a conversation -- or an interview.

10 Q. So let's talk about you as a human being and a
11 person who is intelligent and common sense, right?

12 A. Yes.

13 Q. So let me ask you the question again. And if
14 you don't know, you don't know, and if you disagree, you
15 disagree.

16 If you interview somebody, whether it's a
17 suspect or a witness, and you record that interview on
18 an audio or a videotape, would you agree with me that
19 that would be potentially a more accurate accounting of
20 what that person said versus your handwritten notes of
21 the interview?

22 A. Potentially, yes.

23 Q. Potentially?

24 A. Potentially, sure.

25 Q. So you think that your handwritten notes of a

1 lengthy interview would be just as accurate as the
2 actual recording?

3 A. My interview notes reflect the interview of
4 Mr. Alrai.

5 Q. I'm talking to you in general terms right now,
6 not about Mr. Alrai.

7 THE COURT: I accept the proposition that
8 audio recording is a more accurate representation of
9 exactly what was said than notes.

10 MR. HARRINGTON: Thank you, Judge.

11 Q. Now, you indicated I think that you became
12 involved in this matter -- was it in May of 2018?

13 A. Correct.

14 Q. And your first interaction with Mr. Alrai was
15 June 12th of 2018?

16 A. Yes.

17 Q. And the notes that you took, they've been
18 provided in discovery. If you need to take a look at
19 them, let me know, but it looks like it's about, you
20 know, 14 pages of notes, and that was over the course of
21 about a three-hour interview, right?

22 A. Correct.

23 Q. And you also did a summary. I would
24 assume these are yours, and if you need to take a
25 look -- let me just pop it up here real quick to make

1 sure that -- so we were kind of given these notes. Are
2 those kind of notes that you kind of reduced or is that
3 not your work product?

4 A. No, I prepared this document.

5 Q. Okay. And this would be kind of your notes of
6 the interview with Mr. Alrai; is that fair to say?

7 A. That was prepared based on my review of my
8 handwritten notes, yes.

9 Q. Okay. So you took the handwritten notes and
10 then made these further notes. And you agree with me
11 it's not a narrative, it's just notes, right?

12 A. Correct.

13 Q. Did you write a report?

14 A. No.

15 Q. Okay. And so let me ask you about what you
16 did in preparation for your testimony here today.

17 Did you review your handwritten notes as well
18 as your typed notes?

19 A. I did.

20 Q. Did you review any reports of any kind?

21 A. I reviewed the documents that we reviewed
22 prior to Mr. Alrai's interview.

23 Q. Okay. Did you review any law enforcement
24 reports?

25 A. No.

1 Q. Okay. Were you prepared for your testimony by
2 the U.S. Attorney's Office?

3 A. I was.

4 Q. How many times did you meet with the U.S.
5 Attorney's Office in preparation of your testimony?

6 A. Once.

7 Q. Okay. And how long did your meeting with the
8 U.S. Attorney's Office last?

9 A. It was less than an hour. 45 minutes
10 approximately.

11 Q. Okay. And during that preparation were you
12 shown any reports from law enforcement to refresh your
13 recollection about anything?

14 A. No.

15 Q. Okay. So in regard to what your testimony is,
16 it's really based upon your notes, both handwritten and
17 typewritten, right?

18 A. Correct.

19 Q. As well as you made kind of a general
20 reference to documents that you had reviewed as part of
21 your internal investigation?

22 A. Yes.

23 Q. Okay. Now, when you made these notes, you
24 have -- your handwritten notes have a date on it of June
25 12th, obviously the same day?

1 A. Yes.

2 Q. Do you know when your typewritten notes were
3 done?

4 A. I believe I prepared those in December of
5 2018.

6 Q. So about six months after, and part of your
7 typewritten notes is based on your handwritten notes?

8 A. Correct.

9 Q. And then you gave a recorded interview -- or I
10 shouldn't say recorded. You gave an interview to the
11 FBI on September 5th of 2019. Do you recall that?

12 A. Yes.

13 Q. And there are a number of individuals present
14 for that interview, correct?

15 A. Yes.

16 Q. And that included the United Way attorney,
17 John Commisso?

18 A. Correct.

19 Q. And is he the one who had hired CBIZ?

20 A. Yes.

21 Q. And you also had -- CBIZ's attorney was
22 present, correct?

23 A. Correct.

24 Q. And was it just one attorney from CBIZ or was
25 it two attorneys?

1 A. There were two attorneys representing CBIZ.

2 Q. Okay. And then there were also several
3 attorneys from the U.S. Attorney's Office, correct?

4 A. Yes.

5 Q. And there was also a couple of case agents,
6 Ms. Laroe and Darlene Cacace, correct?

7 A. Correct.

8 Q. And that interview was approximately 15 months
9 after your interview of the defendant on June 12th of
10 2018, right?

11 A. Yes.

12 Q. And between June 12th of 2018 and your
13 interview on September 5th of 2019, other than the notes
14 and the typewritten notes you've indicated there was no
15 other reports prepared by you detailing your interview
16 with the defendant, correct?

17 A. Correct.

18 Q. And so you were at that point going just off
19 of your memory?

20 A. Yes.

21 Q. Okay. Did you have your notes with you while
22 you were being interviewed?

23 A. Yes.

24 Q. Okay. Did you have to refer to your notes
25 while you were being interviewed?

1 A. At times I did, yes.

2 Q. Okay. And likewise, not everything that you
3 told to the FBI was specifically contained within your
4 notes. Part of it is just you going based off your
5 recollection and memory of questions and answers between
6 you and Mr. Alrai, correct?

7 A. It was based on my recollection as well as my
8 handwritten notes, correct.

9 Q. That's all I'm getting at is not everything is
10 in your notes, right?

11 A. Correct.

12 Q. Okay. And in that regard you agree with me
13 the things that aren't in your notes we have to rely on
14 the accuracy of your memory and your recollection?

15 A. Yes.

16 Q. And you agree with me that even here today
17 several times the government has had to come up and show
18 you your notes so that they could refresh your memory?

19 A. Yes.

20 Q. Because memory is imperfect, isn't it?

21 A. Yes.

22 Q. And it fades over time, doesn't it?

23 A. Yes.

24 Q. And that's actually one of the reasons why a
25 recorded interview is better than notes, right?

1 A. Yes.

2 Q. You had actually confirmed I think, and I just
3 want to make sure I understand, you had indicated in
4 your questioning of Mr. Alrai you had asked him about
5 the status of the IT environment prior to him coming on.
6 Do you remember that?

7 A. Yes.

8 Q. Okay. And in essence what he said, it was in
9 bad shape in a nutshell, right?

10 A. Correct. Yes.

11 Q. And you independently actually confirmed in
12 your internal investigation with the United Way that
13 their IT environment was actually not in good shape
14 before they brought Mr. Alrai on, correct?

15 A. Correct.

16 Q. During questioning you indicated that Mr.
17 Meyer had come in the room at one point. I'm switching
18 gears a little bit. And you indicate Mr. Meyer came in
19 the room and had some questions about passwords, right?

20 A. Yes.

21 Q. And was he in the room for very long? Was it
22 five minutes, two minutes, a half an hour, an hour?

23 A. At most he was in there for just a couple of
24 minutes. I don't recall him being in there for an
25 extended period of time.

1 Q. Okay. So if he testified that he had
2 questioned Mr. Alrai for 30 or 40 minutes, that would be
3 inaccurate, right?

4 A. I don't know what he testified to. I don't
5 know if he ever interviewed Mr. Alrai.

6 Q. So let me be more specific. If he testified
7 that he had questioned Mr. Alrai for 30 or 40 minutes
8 while he was in the interview room with you and Mr.
9 Commisso, that would be inaccurate, correct?

10 A. That's not my recollection, correct.

11 Q. Your recollection is it was just a few
12 minutes?

13 A. Correct.

14 Q. Now, let me ask you in regard to that. During
15 that period of time when Mr. Meyer was asking about the
16 passwords, you indicate that Mr. Alrai had talked about
17 the passwords being in a safe at his residence, right?

18 A. Yes.

19 Q. And did you or anybody that you're aware of
20 pass that information along to Agent Donnelly or Agent
21 Laroe or anybody else in law enforcement?

22 A. I don't recall if we did or not. It seems to
23 me that we did pass that on to them, yes.

24 Q. Okay. And when you say that you recall that
25 you did pass that on, is it your recollection that it

1 was you specifically that passed that on to -- who?

2 A. Well, I never spoke to Mr. Donnelly until
3 today.

4 Q. Okay.

5 A. I think he was present during a telephone call
6 before the June 12th interview, but I don't recall who
7 passed that information on to Mr. Donnelly.

8 Q. Okay. So you don't -- obviously if it was
9 you, you'd recall that, right? Or maybe not.

10 A. Yeah, I just don't recall having that
11 conversation or discussing that specific information.
12 That's certainly not to say that somebody else passed it
13 on, but I don't recall having that conversation with
14 someone.

15 Q. Okay. But you believe that information was
16 passed on to the agents?

17 A. I believe it was.

18 Q. Okay.

19 A. I'm just not certain.

20 Q. Okay. And you were aware that they were
21 searching Mr. Alrai's residence that same day you were
22 questioning Mr. Alrai, right?

23 A. We did not know -- we knew that they had
24 sealed affidavits for search warrants. We did not know
25 where they were searching. We did not know if they were

1 searching his house or the AISA Consulting location. We
2 just didn't know until after the interview.

3 Q. Okay. And so just to make sure that my
4 question is a little more accurate, not necessarily that
5 they were searching his house, you were aware that the
6 FBI was executing search warrants that same day that you
7 were questioning Mr. Alrai. I'm not focusing in on
8 where. I'm just talking about the fact that they were
9 executing search warrants that day.

10 A. I knew they were going to execute search
11 warrants. I didn't know when they were going to do it.
12 I assumed that they were doing it that day, but they
13 never disclosed to us when those search warrants would
14 be executed. They did not provide us very much
15 information about their ongoing criminal investigation
16 at any time.

17 Q. Okay. And if you have a memory of it, would
18 you agree with me that the information about passwords
19 being in the safe was passed on the same day that the
20 FBI was executing the search warrants?

21 A. If I had a memory of it -- I don't have a
22 memory of that specific information being passed on.

23 Q. Fair enough.

24 A. It may have been passed on by someone else. I
25 just do not have a recollection of that conversation.

1 Q. And in that regard, let me ask you about --
2 you were the one who was in charge of the CBIZ
3 investigation, right?

4 A. Yes.

5 Q. Or excuse me, for CBIZ of the investigation
6 into Mr. Alrai?

7 A. Yes.

8 Q. Okay. Did you have other -- I don't know if
9 you'd refer to them as case agents. I'm not sure. What
10 would be the terminology of someone working with you?

11 A. No, I was the only representative from CBIZ
12 involved in the investigation.

13 Q. Okay. And if that's the case, wouldn't that
14 follow that you would be the only one that would pass on
15 to the FBI or Homeland Security that passwords were in
16 the safe?

17 A. It's possible that Mr. Commisso passed that
18 information on.

19 Q. Oh, okay. Fair enough. But apart from Mr.
20 Commisso, you're the only one who is in the room with
21 Mr. Alrai --

22 A. It was either me or Mr. Commisso. I don't
23 recall any representatives from the United Way ever
24 speaking with the FBI. We were the ones that were
25 speaking with the FBI.

1 Q. To your knowledge was Mr. Commisso at any
2 point leaving the room and making telephone calls?

3 A. During the interview?

4 Q. During your interview with Mr. Alrai.

5 A. I don't know -- he left the room on several
6 occasions. I don't recall why he was leaving the room.
7 He may have been making some telephone calls. I just
8 don't recall.

9 Q. And to your personal knowledge, are you aware
10 of whether he was communicating with the FBI or Homeland
11 Security during your questioning of Mr. Alrai?

12 A. Again, I don't have a distinct recollection of
13 that occurring. It may have, but I just don't recall
14 that.

15 Q. Okay. Was there a security guard posted
16 outside the door of the room in which you were
17 questioning Mr. Alrai?

18 A. I believe there was -- United Way had hired a
19 retired law enforcement officer for safety reasons. I
20 don't recall where that person was during the interview,
21 but he was in the vicinity I believe.

22 Q. Okay. And obviously the purpose of that is to
23 make sure that he would be near Mr. Alrai if necessary;
24 is that fair to say?

25 A. He was there just to protect any of the

1 employees from anything that may occur.

2 Q. Okay. And your memory is -- you don't have a
3 recollection of him being posted outside the door to the
4 interview room?

5 A. I don't recall him being posted outside the
6 door. I recall him being nearby, but certainly not
7 outside the door.

8 Q. Okay. And you indicated this interview of Mr.
9 Alrai took about three hours?

10 A. Yes.

11 Q. And additionally, you advised him that he was
12 required to cooperate with your questioning as an
13 employee of the United Way?

14 A. Yes.

15 MR. HARRINGTON: Judge, I don't have any other
16 questions for Mr. Mulvaney.

17 THE COURT: Redirect?

18 MR. HUNTER: Briefly.

19 REDIRECT EXAMINATION

20 BY MR. HUNTER:

21 Q. Mr. Mulvaney, you were asked a number of
22 questions about whether information about a safe in Mr.
23 Alrai's home was communicated to the FBI. I believe you
24 testified that you don't know if that information was
25 ever communicated?

1 A. Yes. That's correct.

2 Q. You didn't communicate it?

3 A. I don't recall relating that information to
4 the FBI.

5 Q. Okay. So you don't know if it was
6 communicated or not?

7 A. I don't know. I only recall after the
8 interview that we were advised by the FBI that a safe
9 was not in the house.

10 Q. Okay.

11 A. But that's the only recollection I have of a
12 conversation pertaining to a safe being in Mr. Alrai's
13 house.

14 Q. Okay. And you also testified about Mr.
15 Commisso going in and out of the room. You don't
16 know -- again, I think you were asked to speculate a
17 little bit about what he might be doing, but you don't
18 know?

19 A. I don't recall. There was a lot going on in
20 the office that day. There were other interviews being
21 conducted simultaneously with Mr. Alrai's interview, so
22 we were interrupted at times, both of us, to respond to
23 questions or concerns that other people had.

24 Q. Okay. And you would exit the room
25 occasionally, too, to deal with --

1 A. Yes. Correct. Yes.

2 Q. And everything you testified to today is based
3 on your review of your notes and memory of the parts of
4 the interview that you were present for; is that
5 correct?

6 A. That's correct.

7 MR. HUNTER: Nothing further, your Honor.

8 THE COURT: Any recross?

9 MR. HARRINGTON: Briefly, Judge.

10 RECROSS-EXAMINATION

11 BY MR. HARRINGTON:

12 Q. You indicated that you learned after the
13 search of the residence that there was no safe and that
14 the FBI communicated that to you?

15 A. Yes.

16 Q. They communicated that to you the same day of
17 the search?

18 A. I believe it was the following day. I'm not
19 sure. It was either that day or the following day. It
20 was in close proximity to the actual interview.

21 I remind you that at that point in time the
22 greatest concern we had was locating these servers. We
23 had no idea where this was, so it was incredibly
24 important that we obtain those passwords as quickly as
25 possible.

1 Q. Which agent communicated to you regarding the
2 safe?

3 A. Pardon me?

4 Q. Which agent communicated to you regarding the
5 safe?

6 A. Special Agent Jill Lavoie.

7 Q. Jill Laroe or --

8 A. I'm sorry, Jill Laroe, yes.

9 Q. Communicated to you regarding -- okay, so they
10 were specifically looking for a safe and then they
11 communicated to you that they found no safe?

12 A. Yes. That's my recollection.

13 Q. And does it strike you as odd, sir, that they
14 would communicate to you regarding not finding a safe if
15 there was no communication from you or counsel in this
16 case about the safe?

17 A. Well, I didn't say there was no communication
18 from us to the FBI. I don't have an independent
19 recollection of speaking with the FBI and relaying that
20 information.

21 Q. Okay. One of the things that you were
22 concerned about, and you specifically note this in your
23 interview, is that you did not want to appear to be an
24 agent of the FBI or any law enforcement agency, right?

25 A. Certainly, yes.

1 Q. Because if you were considered to be an agent
2 of the FBI in this particular situation, then there
3 would be a whole different scenario that might come into
4 play here regarding Miranda warnings and things of that
5 nature, correct?

6 A. Yeah, potentially, sure.

7 MR. HARRINGTON: I have no other questions,
8 Judge.

9 THE COURT: You're excused. Thank you.

10 THE WITNESS: Thank you.

11 MS. LE: Good morning, your Honor.

12 THE COURT: Good morning.

13 MS. LE: The government calls Michele Curtis
14 to the stand, please.

15 MICHELE CURTIS

16 having been duly sworn, testified as follows:

17 THE CLERK: For the record, please state your
18 full name and spell your last name.

19 THE WITNESS: Michele Curtis. The last name
20 is C-U-R-T-I-S.

21 THE CLERK: Thank you. Please be seated.

22 DIRECT EXAMINATION

23 BY MS. LE:

24 Q. Good morning, Ms. Curtis.

25 A. Good morning.

1 Q. If you could just keep your voice up and speak
2 into the microphone.

3 A. Okay.

4 Q. Thank you very much. Ms. Curtis, where do you
5 work?

6 A. At Pentucket Bank in Haverhill, Mass.

7 Q. How long have you been with Pentucket Bank?

8 A. I started in March of 2014.

9 Q. Thank you. And just for the record, would you
10 spell Pentucket?

11 A. P-E-N-T-U-C-K-E-T.

12 Q. Thank you, ma'am. What did you do prior to
13 joining Pentucket Bank fifteen (sic) years ago?

14 A. I worked as a business manager for two
15 different nonprofits.

16 Q. I'm sorry. I said that you worked there for
17 fifteen years. You haven't, right? How long have you
18 been with Pentucket?

19 A. Pentucket Bank, just shy of six years.

20 Q. Six years. Thank you.

21 And what did you do before you joined
22 Pentucket Bank?

23 A. I was a business manager for two nonprofit
24 corporations in Massachusetts.

25 Q. Okay. And the location you work at in

1 Haverhill, is that the main office or a branch location?

2 A. I believe they consider it the main office.

3 They have the administration office in the new building
4 across the street, but I would say it's the main office.

5 Q. Thank you very much. What is your current job
6 title?

7 A. I'm vice president of customer support and the
8 team supports deposit operations and electronic banking.

9 Q. And have you held that position the entire
10 time you've been employed by Pentucket Bank?

11 A. Yes, I have.

12 Q. What are your responsibilities on a general
13 level?

14 A. I manage a team of ten persons who, as I said,
15 they support all the functions to support the customers
16 for their checking accounts, their certificate accounts,
17 and then also manage the electronic banking side. So we
18 have customers with their online banking questions,
19 their bill pay process, their ACH transactions, their
20 wires.

21 Q. Thank you. And the group that works on wire
22 transactions, where are they located?

23 A. They work for me in the team at 1 Merrimack
24 Street in Haverhill.

25 Q. Thank you, ma'am. So I'd like to talk briefly

1 about ACH transactions which you just mentioned. Does
2 Pentucket have a provider that helps process its ACH
3 transactions?

4 A. Yes. That would be our core vendor, Finastra.

5 Q. How do you spell Finastra?

6 A. F-I-N-A-S-T-R-A.

7 Q. Is there an online portal or something like
8 that?

9 A. Well, we are outsourced so -- our service
10 bureau, so all of our computers are -- we can log into
11 the system.

12 Q. Okay. So you at Pentucket communicate with
13 Finastra online?

14 A. Yes.

15 Q. So when a Pentucket customer receives an ACH
16 credit to their account, what if anything does Pentucket
17 have to do?

18 A. We don't have to do anything. We receive the
19 transactions, they call it in the warehouse, and they
20 get released on their effective date and automatically
21 post.

22 Q. Thank you very much. Now, I'd like to talk a
23 little bit about wire transfers.

24 When Pentucket Bank wants to initiate a wire
25 transfer, how would they go about initiating that

1 transaction?

2 A. So when one of our customers wants to do a
3 wire?

4 Q. Yes, ma'am.

5 A. Well, they have choices of how they want to do
6 their wire. So we have -- the process is centralized at
7 their location. So they can either come into one of our
8 branch offices to do paperwork to do a wire or they can
9 choose to use our business online banking platform, and
10 then if they did that, they would get a wire transfer
11 agreement, or they can also get a wire transfer
12 agreement, and if they don't want to use the computer,
13 then they can fax the wire to us, but we have a
14 centralized wire team.

15 Q. Okay. So are customers generally allowed to
16 e-mail the wire transfer form?

17 A. To the operations center?

18 Q. Yes, ma'am.

19 A. No.

20 Q. How about to the local branch?

21 A. That's not supposed to be the process. If you
22 go to the branch -- the whole point is to properly
23 authenticate and identify the customer and make sure
24 that person has authority to transact the wire. So if
25 they're coming into the branch, it's the branch's

1 responsibility to meet with the customer and identify
2 them and make sure the funds are available and such. So
3 it's not an e-mail, it's a face-to-face.

4 Q. Okay. And does Pentucket Bank have a written
5 policy regarding how wire transactions are supposed to
6 be processed, how the customer is supposed to submit the
7 forms to the branch location?

8 A. Yes, we have a policy and procedures.

9 Q. Thank you. So what happens once a customer
10 fills -- is there a form that a customer fills out to
11 initiate the wire?

12 A. Yes, it's a transaction form, and on that form
13 it's where you would put all the details of how the
14 money is supposed to get to the end desired location.

15 Q. Okay. So what happens once a client, the
16 customer submits the form to the local branch? What's
17 the next step?

18 A. So the customer would fill it out with the
19 retail staff and it would be properly completed and
20 checked and everything, and then they can fax it over to
21 us in operations or they can scan it and e-mail it to
22 operations, and then they either have to call us or
23 e-mail us to say that it's coming so that we're
24 expecting it.

25 Q. So in addition to taking the forms and filling

1 it out with the client, what else does the bank
2 representative at the local branch do?

3 A. So obviously they would identify the customer,
4 make sure that they're authorized, get their
5 identification, make sure the funds are in their
6 account, make sure the funds are collected, and then
7 they actually would withdraw the funds for the wire.

8 Q. What does that mean, collect the funds, in
9 this context?

10 A. They just want to make sure -- like, say if a
11 check had been deposited yesterday, that maybe that
12 check hasn't been cleared yet. So you want to make sure
13 the funds are available to be withdrawn.

14 Q. Would the bank representative at the local
15 branch go into the computer and debit the money from the
16 account?

17 A. Yes. Yes.

18 Q. Okay. And so if you are at a branch say in
19 Salem, New Hampshire, and you need to process a wire
20 transaction, where does the money actually go or where
21 does that flow of information go from the local bank to
22 Haverhill; is that what happens?

23 A. So we're a realtime bank. So the money will
24 automatically come out of the customer's account and go
25 into, like, a suspense general ledger account, because

1 then we're going to transfer it to the Federal Reserve.

2 Q. Okay. Thanks. So who communicates with the
3 Federal Reserve?

4 A. The operations center does through a program
5 that we use called WITS. So we key in the wire
6 information into the WITS program. Employee 1 does
7 that. Then employee 2 verifies the data and transmits.
8 So everything is dual checking, dual authority, and then
9 that program is interfaced to transmit the data to the
10 Federal Reserve.

11 Q. You used an acronym WITS, is that W-I-T-S?

12 A. Yes. That's a wire transfer system, a piece
13 of software, software program.

14 Q. You referred to employee 1 and employee 2.
15 Where are those two employees located?

16 A. Both said 1 Merrimack Street and customer
17 support.

18 Q. Okay. Thank you. So after this information
19 is communicated to the Federal Reserve, what happens
20 next? Say the money is all there, the forms are
21 properly filled out, you communicate to the Federal
22 Reserve, what happens next?

23 A. So the money would go on its way from there
24 and the next day we get our -- well, you get a
25 confirmation from the Federal Reserve, a unique code

1 that they identify to each transaction called an IMAD,
2 and then the next day we get our accounts from the
3 Federal Reserve. We balance our account every day with
4 them.

5 Q. Okay. Ms. Curtis, if a customer from
6 Pentucket would like to send a wire internationally, are
7 there any differences in place versus domestic wires?

8 A. There are a few differences. We're a small
9 community bank so we don't have a lot of corresponding
10 banking accounts. So we ask the customer if it's going
11 to a foreign country that you have to provide us with
12 the U.S. corresponding bank that it's to go through if
13 it's in U.S. dollars.

14 If the customer wants to send foreign dollars,
15 we do have a corresponding banking relationship with
16 Bankers' Bank. But anything in U.S. dollars you'd go
17 through a corresponding bank say in New York, for
18 example, to further credit the final destination.

19 Q. So it sounds like at least one more banking
20 entity is involved before the money goes to its final
21 destination?

22 A. Normally in a foreign transaction, yes,
23 especially with a bank our size.

24 MS. LE: Your Honor, may I approach the
25 witness?

1 THE COURT: You may.

2 MS. LE: Your Honor, bringing the witness
3 Exhibit 524.

4 Q. Ms. Curtis, are you familiar with these
5 international wire transfer forms that are in Exhibit
6 524?

7 A. Yes.

8 Q. And you reviewed these in preparation for your
9 testimony today; is that right?

10 A. Yes.

11 Q. Would you tell us the date of the first wire
12 transaction?

13 A. September 19, 2013.

14 Q. What is the date of the last wire transaction?

15 A. May 21, 2018.

16 Q. And Ms. Curtis, if you know, in that top
17 left-hand corner where it has a name and then an
18 address, line two, is the address on each of these forms
19 300 Brickstone Square, Suite 201, Andover,
20 Massachusetts?

21 A. Yes.

22 Q. And do you know if -- what country did all of
23 these wire transactions go to?

24 A. To Pakistan.

25 Q. And do you know which branch initiated each of

1 these wire transactions?

2 A. Salem, New Hampshire.

3 Q. Thank you. Let's go to the very first wire
4 transaction form that's Bates number page PEN-01963. Do
5 you see that?

6 A. Yes.

7 Q. What is the person whose name is listed as the
8 originator?

9 A. Munawar Chaudhary.

10 Q. Okay. Do you know if the other forms used the
11 same name or if there was a different name that was used
12 as the originator?

13 A. The originator on the other forms was
14 DigitalNet Technology.

15 Q. Thank you very much.

16 MS. LE: May I approach the witness, your
17 Honor?

18 THE COURT: You may throughout the
19 examination.

20 MS. LE: Thank you very much.

21 Q. Ms. Curtis, I'm giving you a stack of forms,
22 some of which I'll review with you and some of which I
23 won't, but I'd like you to start looking at Exhibits 119
24 and 119a. When you're ready, just let me know.

25 A. Okay.

1 Q. Okay. So I'd like to start with Exhibit 119.
2 And if we can go to page ending PEN-02784.

3 Do you see this e-mail at the bottom there
4 from April 16, 2014?

5 A. Yes.

6 Q. At 8:31 a.m.?

7 A. Yes.

8 Q. Can you just into the record read the author
9 of the e-mail, the name of the author?

10 A. Munawar Chaudhary.

11 Q. And what e-mail address did this person use?

12 A. DigitalNet support, info@digitalnet.us.

13 Q. Thank you. And it's addressed to Brenda
14 Hernandez; do you see that?

15 A. Yes.

16 Q. Who's Brenda Hernandez?

17 A. She's an employee at the Salem, New Hampshire,
18 branch.

19 Q. And I'll just read the body of the e-mail into
20 the record:

21 "Good morning, Brenda. I am looking to send a
22 wire to DigitalNet's account in Pakistan for \$15,000
23 from the DigitalNet checking account at Pentucket. You
24 have all the instructions on file, as we send money
25 every month. Could you please get the paperwork ready

1 and let me know via reply to this e-mail. I will stop
2 by later to sign it. Thanks for all your help as
3 always. Regards, Munawar Chaudhary."

4 Is that correct, ma'am?

5 A. Yes.

6 Q. Okay. Based on your review of the e-mail
7 exchange here, do you know what date this wire transfer
8 of \$15,000 to Pakistan was processed?

9 A. I believe it was on the same day.

10 Q. If you look up above.

11 A. Oh. I see. April 21, 2014.

12 Q. Thank you, ma'am.

13 If you'll turn to Exhibit 119a, and I'll ask
14 you to flip to the last page which is Bates number
15 PEN-02933.

16 A. Okay.

17 Q. What is this form that we're looking at?

18 A. This is our internal foreign wire transfer
19 request form.

20 Q. Okay. So this is the wire transfer form that
21 we're talking about in this transaction?

22 A. Yes.

23 Q. What does a check mark indicate to you?

24 A. Those are my employees double checking the
25 data entry. So as I said, employee number 1 enters it

1 into the WITS system, and then employee number 2
2 verifies the accuracy before they hit transmit to the
3 Federal Reserve.

4 Q. So employees 1 and 2, where are they located?

5 A. At 1 Merrimack Street in customer support.

6 Q. Thank you. And that's in Haverhill; is that
7 right?

8 A. Excuse me?

9 Q. That's in Haverhill?

10 A. Yes.

11 Q. Thank you very much. Do you recognize any of
12 the signatures or initials on this form?

13 A. Yes, I do.

14 Q. Whose signatures and initials do you
15 recognize?

16 A. I recognize the officer's signature, Erin
17 Daly. She's a loan officer. And the initials R.D. is
18 Ramona Desombre. And the other one is Sue Celeste,
19 S.C., and that's just a reference for -- it's just wire
20 No. 4 for that day in the WITS system.

21 Q. Right here?

22 A. At the bottom, yes.

23 Q. Okay. Thank you very much.

24 At the very top of the form, do you see that,
25 it looks like a -- it says Pentucket Bank, Salem,

1 there's a fax number 603-894-7840?

2 A. Yes.

3 Q. What fax number is that? Would that be
4 Salem --

5 A. Well, I'm not going to -- I don't know all the
6 fax numbers by heart.

7 Q. Sure.

8 A. But that looks reasonable that it's Salem's
9 fax number.

10 Q. Okay. And do you know if this form was faxed
11 to Haverhill, Mass., from Salem, New Hampshire?

12 A. Yes.

13 Q. And is it? Was it?

14 A. Yes, and that's how we get the transactions
15 from the branches.

16 Q. Thank you.

17 MS. LE: If we can just turn to, same exhibit,
18 but Bates number page PEN-1788.

19 Q. Do you see the highlighted transaction there,
20 ma'am?

21 A. Yes, I do.

22 Q. What does this tell us?

23 A. This is the customer's checking account
24 statement and it's just showing that on April the 21st
25 they had the outgoing foreign wire along with a \$40 fee.

1 Q. The \$40 fee is this number here?

2 A. Yes.

3 Q. Thank you very much. Ms. Curtis, if you can
4 take a few seconds and look at Government's Exhibits 120
5 and 120a.

6 Let's start with Exhibit 120. I'd like you to
7 go to Bates number page PEN-02516, and if you can go to
8 the e-mail that's dated June 20, 2014, at 8:13 a.m. Do
9 you see that?

10 A. Yes.

11 Q. Okay. It looks like the author is Munawar
12 again from info@digitalnet.us?

13 A. Yes, it is the same.

14 Q. Okay. And it's addressed again to Brenda
15 Hernandez?

16 A. Yes.

17 Q. Would you please read the body of that e-mail?

18 A. "Good morning, Brenda. It is that time again.
19 We need to wire 15,000 to DigitalNet Pakistan. Could
20 you please get the paperwork ready and I'll stop by
21 today around 2 to sign it? Thank you very much.
22 Munawar."

23 Q. And also can we go up to Brenda's reply?

24 A. "Good afternoon, Munawar. Here's the
25 confirmation for today's wire." And she gives him the

1 reference number and the IMAD number. "Have a nice
2 weekend. Brenda."

3 Q. And who provides the reference number and the
4 IMAD number?

5 A. Those are the unique identifying numbers that
6 are generated from the Federal Reserve once you transmit
7 it, so that would have been somebody from the wire
8 transfer team in customer support in Haverhill.

9 Q. And again, just for the record, IMAD is
10 I-M-A-D?

11 A. Yes. It's the just the -- it's the input
12 message, I forget what the A stands for, authorization
13 data or something. Like I said, it's a unique
14 identifier that the Fed generates from each transaction.

15 Q. Thank you. Let's go on to Exhibit 128. And
16 I'd like to go to the last page, which is Bates number
17 page PEN-01969.

18 Again, do you recognize any -- the date of
19 this wire is what?

20 A. June the 20th, 2014.

21 Q. And do you recognize any of the signatures or
22 handwriting or initials on this particular form?

23 A. Yes.

24 Q. Whose signatures or initials do you recognize?

25 A. Jodi Pickles I know, and Phyllis Monigle, and

1 I believe that's Sue Celeste's as well. And again, this
2 is reference No. 21 of the day, wire transfer of the
3 day.

4 Q. And who is Jodi Pickles?

5 A. Jodi Pickles was an assistant branch manager
6 at the time. She doesn't work for the bank right now,
7 but she was an assistant branch manager.

8 Q. At which location?

9 A. The last I knew she was at the Westgate
10 branch, but I can't speak to when -- they take turns.
11 If somebody is out sick or on vacation, then they share
12 jobs, but she was stationed at the Westgate branch.

13 Q. Okay. And who is Phyllis?

14 A. Phyllis Monigle was a wire transfer specialist
15 that worked for me.

16 Q. Where was she located?

17 A. At 1 Merrimack Street in Haverhill in the
18 customer support department.

19 Q. At the very bottom of the page, it's
20 upside-down, but do you see there's a date, Pentucket
21 Bank, the 603 fax number again?

22 A. Yes.

23 Q. And do you know whether this particular form
24 was faxed from Salem, New Hampshire, to Haverhill,
25 Massachusetts?

1 A. As far as I know, it was. That's the normal
2 course of business.

3 Q. That's consistent with the information on this
4 form?

5 A. Yes.

6 Q. Thank you very much.

7 MS. LE: Let's turn to the same exhibit, Ms.
8 Sheff, but to Bates number page PEN-1913.

9 Q. What does the highlighted section tell us?

10 A. So this statement is this business savings
11 account for DigitalNet, and that is a transfer
12 transferring from the savings to the business's
13 checking.

14 Q. Oh, did I highlight the wrong one? Hold on.

15 MS. LE: Ms. Sheff, can we go out? Where is
16 the wire form? Go back one more page, Ms. Sheff. I may
17 have highlighted the wrong form. I think we have the
18 wrong exhibit for this one.

19 Q. Ms. Curtis, based on what is on Exhibit 120,
20 was this money taken out of the account?

21 A. Yes.

22 Q. Okay.

23 MS. LE: I'm sorry about that mistake, your
24 Honor.

25 Let's go to Exhibit 122 and 122a. Let's start

1 with Exhibit 122, Bates number page PEN-2483.

2 Q. Do you see this e-mail on January 19, 2015, at
3 4:49 p.m.?

4 A. Yes.

5 Q. It looks like there's an attachment. Would
6 you please read the body of that e-mail from Mac
7 Chaudhary from DigitalNet?

8 A. "Hello, Brenda. Attached please find a
9 foreign transfer request for \$12,000. Kindly process as
10 soon as you can and send an e-mail confirmation. Thanks
11 much. Mac Chaudhary."

12 Q. Okay. So some of the other e-mails we saw
13 reference Mac coming in person and processing the form?

14 A. Uh-huh.

15 Q. At some point it looks like it seemed okay to
16 e-mail wire transfer forms to the Salem branch. Would
17 that be fair to say?

18 A. I don't feel comfortable to speak to that.
19 That's not normal. I don't know.

20 Q. Okay. But it appears like that happened?

21 A. It appears, though -- and we do help customers
22 on occasion if they are tight for time, if they need
23 paperwork done, say if they're opening a new account or
24 something --

25 Q. Sure.

1 A. -- to come in so --

2 Q. Okay. Let's go to --

3 MS. LE: Can you flip through the rest of that
4 e-mail? Let's start with Exhibit 122. Go to the
5 first page, Ms. Sheff.

6 Q. Okay. So it looks like Brenda had an exchange
7 with Phyllis Monigle in your office, right?

8 A. Yes.

9 Q. And Phyllis actually provided the confirmation
10 number?

11 A. Yes. She's giving the confirmation number
12 from the Fed.

13 Q. And then that information was forwarded to Mr.
14 Chaudhary by Brenda; is that right? If you look at page
15 2481.

16 A. Yes.

17 Q. Okay. All right.

18 MS. LE: So let's go to 122a and look at the
19 wire transfer form at PEN-01976. That must be the last
20 page, Ms. Sheff.

21 A. Okay.

22 Q. Do you see the date there, January 20, 2015?

23 A. Yes.

24 Q. \$12,000?

25 A. Yes.

1 Q. And do you recognize any of the signatures or
2 handwriting or initials?

3 A. Yes. The initials, R.D. is Ramona Desombre.
4 P.M., Phyllis Monigle. And retail staff, the signature,
5 that's Brenda Hernandez.

6 Q. Right here. Okay. And again, at the bottom
7 of the page we see Pentucket Bank and a 603 fax number.
8 Do you see that?

9 A. Yes.

10 Q. Okay. Thank you. So as far as you can tell,
11 was this form faxed from Salem, New Hampshire, to
12 Haverhill, Massachusetts?

13 A. Yes. And as you can see, they also indicate
14 that they called the eBanking at 9:09 and spoke to
15 Phyllis.

16 Q. Right here?

17 A. It's part of the process so that we know it's
18 coming and that the fax communicated okay.

19 Q. Great. Thank you very much.

20 MS. LE: Let's go to page PEN-1830.

21 Q. What does the highlighted section tell you?

22 A. Again, this is the customer's bank statement,
23 that they had an outgoing wire for \$12,000 on the 20th
24 of January and a fee of \$40.

25 Q. Thank you very much. And we see the 40 right

1 here?

2 A. Yes.

3 Q. Thank you very much.

4 MS. LE: Let's move on to Exhibits 123 and
5 123a.

6 Q. Starting with 123, Bates page PEN-2471, and
7 I'd like you to read the body of the e-mail sent from
8 Mac Chaudhary to Brenda Hernandez on May 18, 2015, at
9 1:26 p.m.

10 A. "Hello, Brenda. Attached please find a wire
11 transfer request for 16,960. Kindly process as soon as
12 you can and send an e-mail confirmation. Thanks much,
13 Mac Chaudhary."

14 Q. Thank you. And up above that there is a reply
15 from Brenda to Mr. Chaudhary on May 18, 2015. Would you
16 please read that into the record?

17 A. "I faxed the wire to our operations
18 department. I will forward the confirmation number as
19 soon as I receive it from my operations department.
20 Thank you. "

21 Q. All right.

22 MS. LE: Let's go to Exhibit 123a, the last
23 page, which is Bates number PEN-01980.

24 A. All right.

25 Q. This is the May 18, 2015, wire form?

1 A. Uh-huh.

2 Q. And do you recognize any main signatures or
3 initials?

4 A. Yes. Again, that's -- the retail staff is
5 Brenda Hernandez, and Phyllis Monigle is entering, and
6 I'm not sure of the second one.

7 Q. But these all would be your staff in
8 Haverhill?

9 A. Yes, yes.

10 Q. And again, we have the time of 2:07 p.m. call
11 eBanking end time?

12 A. Yes.

13 Q. Who would fill that out?

14 A. The retail staff.

15 Q. And that would be Brenda Hernandez in this
16 case?

17 A. It should have been, yes.

18 Q. Okay. There's no fax information on this
19 particular piece of paper; do you see that? At least
20 this version that we have.

21 A. Yeah, there doesn't appear to be.

22 Q. Okay. But based on Brenda's e-mail May 18,
23 2015, do you know whether this particular form was faxed
24 from Salem, New Hampshire, to Haverhill, Massachusetts?

25 A. I have no reason to doubt it, and it's filled

1 in as a branch at the top that it was an in-branch
2 transaction and it has all the check marks that are
3 typical that my staff does, and it has the WITS. It has
4 everything on it, the WITS number.

5 Q. Thank you. So up here I've circled branch.
6 That's how you know it was done at the branch location
7 versus Haverhill?

8 A. Uh-huh.

9 Q. Thank you.

10 A. Well, it means it's in person.

11 Q. Oh, in person. I see.

12 A. Branch.

13 Q. All right. Let's go to the same exhibit,
14 Bates number page PEN-1846. What does the highlighted
15 section here tell us?

16 A. That the customer had an outgoing foreign wire
17 on May 18th for 16,960 and again, you can see the fee
18 right underneath.

19 Q. Thank you very much. Let's move on to Exhibit
20 129 and 129a.

21 We'll start with Exhibit 129 and I've asked
22 you to read the body of the e-mail that Mac Chaudhary --
23 one second.

24 If you could just read the body of the e-mail
25 from Mac Chaudhary that was sent to Brenda Hernandez on

1 February 16, 2018, at 4:02 p.m.

2 A. "Hello, Brenda. Attached please find the wire
3 transfer request for 15,960. Please process as soon as
4 possible and send confirmation via e-mail. Please
5 review the form for any errors or discrepancies.
6 Thanks, Mac Chaudhary."

7 Q. Thank you very much. Let's move on to Exhibit
8 129a, the last page, which is Bates number PEN-02016.
9 And this is for February 16, 2018?

10 A. Yes, it is.

11 Q. Okay. Do you recognize any signatures or
12 initials?

13 A. Yes, I do. The retail signature is Jennifer
14 Orlando, and the staff and customer support is Rachel
15 Johnson and Phyllis Monigle.

16 Q. Okay. Where does one see Phyllis's -- if you
17 can draw on the screen, we can --

18 A. Phyllis Monigle?

19 Q. Yes.

20 A. It's in the bottom right-hand corner.

21 Q. Great. Thank you.

22 A. And Rachel Johnson is up here.

23 Q. Thank you.

24 THE COURT: R.J.

25 THE WITNESS: R.J., yes. Rachel doesn't

1 work -- neither one works there anymore but they were
2 both my employees.

3 Q. In Haverhill, Massachusetts?

4 A. Yes.

5 Q. Jennifer Orlando, what branch does she work
6 at?

7 A. She is a float officer, and so she covers
8 whatever office is needing assistance for vacations
9 or --

10 Q. Okay. At the very bottom we see that
11 upside-down fax information, again Pentucket Bank with
12 that 603 number?

13 A. Yes.

14 Q. Thank you. So is it your understanding that
15 this form was also faxed from Salem, New Hampshire, to
16 Haverhill, Massachusetts?

17 A. Yes, and with the same thing that they note
18 the time that they called and spoke to Rachel.

19 Q. That's box 19 here?

20 A. 11:30 they called eBanking team.

21 Q. Okay. Thank you very much.

22 Let's go to Exhibit 120 -- same exhibit, let's
23 go to page PEN-635. What does this highlighted section
24 tell us?

25 A. Again, on the customer's bank statement,

1 February the 16th, they had an outgoing foreign wire for
2 15,960 with the \$40 fee.

3 Q. Okay. Let's move on to Exhibits 130 and 130a.
4 And starting with Exhibit 130, I'll have you read the
5 body of the e-mail from Mac Chaudhary to Brenda
6 Hernandez on March 15, 2018, at 2:29 a.m., UTC.

7 A. "Hello, Brenda. Attached please find the wire
8 transfer request for 16,500. Please process as soon as
9 possible and send confirmation via e-mail. Please
10 review the form for any errors or discrepancies.
11 Thanks. Mac Chaudhary."

12 Q. Let's go to Exhibit 130a, the last page, the
13 wire transfer form, that's at Bates number page
14 PEN-2017.

15 Ma'am, do you recognize any signatures or
16 initials on this form from March 15, 2018?

17 A. Yes, I do. The retail signature is Allison
18 Field, she's the bank's branch administrator, and
19 Phyllis Monigle has initialed it along with Sue Celeste.

20 Q. Could you circle Sue's initials? And how
21 about Phyllis's? Great.

22 And again, here we don't see, at least on this
23 version that we have, proof of the fax, but do you know
24 whether this form would have been faxed from Salem, New
25 Hampshire, to Haverhill, Massachusetts?

1 A. Yes.

2 Q. And what do you base that on?

3 A. I base that on, again, the branch check box up
4 here and all the markings as is our normal process, that
5 they're checking all the data entry fields with the
6 check marks.

7 Q. And that's your usual practice also?

8 A. Yes, and the fact that the two employees
9 are -- this is their process as they enter it into the
10 WITS system.

11 Q. Great. Let's go to Bates number page PEN-638.
12 What does this tell us, the highlighted section?

13 A. That on March the 15th the customer had an
14 outgoing foreign wire for 16,500, again with a fee of
15 \$40.

16 Q. Thank you very much. We're almost done. I'm
17 going to approach you with some new exhibits.

18 So I've given you folders containing Exhibits
19 119b, 120b, 121b, 122b, 123b, 124b, 125b, 126b, 127b,
20 128b, 129b, and 130b. Are you familiar with these
21 exhibits?

22 A. Yes. These are printouts from the wire system
23 called WITS.

24 Q. Okay. And these all pertain to select wire
25 transactions, some of which we've discussed, right?

1 A. Yes.

2 Q. Okay. And these all relate to international
3 wire transactions from DigitalNet's Pentucket bank
4 account that ends in 2684; is that right?

5 A. Yes, it is.

6 Q. Okay. How are these wire detail reports
7 generated?

8 A. Do you mean --

9 Q. Where does this information come from?

10 A. So we have the software program called WITS,
11 so we key in this data, and this is just a printout of
12 the screens that we keyed in.

13 Q. Okay.

14 A. And then the data is exported to the Federal
15 Reserve.

16 Q. Okay. So I'd like to just pull up Exhibit
17 119b just as an example. We won't go through each and
18 every one of these for the Court.

19 This is a seven-page long document; is that
20 right, ma'am?

21 A. Yes.

22 Q. Okay. So let's start on this first page,
23 02935. Let's start with the entry information, that top
24 section. What is this information here?

25 A. The entry, well, it's telling you it's gone

1 through the Fed, that the origination was in branch, at
2 the branch in person, it's normal. It gives you the
3 date and the time and the person that was doing the data
4 entry, Heather McGowan.

5 Q. Great. Let's go to the next section that's
6 called transaction information. What does this section
7 tell us?

8 A. It tells the amount of the wire and the
9 account number that it came out of, and the fee for this
10 one, I can see she keyed the wrong fee, but that's the
11 fee.

12 Q. What is the right fee?

13 A. \$40.

14 Q. \$40. And when you said the account number, is
15 this the account information here?

16 A. Yes, it is, the checking account.

17 Q. Thank you very much. All right. Let's go to
18 the next section, customer information. What does this
19 tell us?

20 A. So the system is able to -- so for customers
21 that have wire transfer agreements the system is able to
22 process the charges to the account for the transaction
23 because it's interfaced with our core system. So as you
24 can see, it has balance information about the checking
25 account that's being used. And it has the officer

1 number 124, which is the officer number in our core
2 system, Finastra. Everyone that does a wire in the WITS
3 system has a customer number, so it has the WITS
4 customer number, the account branch, the date and time.

5 Q. Here it shows a last teller hold. What does
6 that line mean?

7 A. Well, in the branch transactions the
8 transactions are posted at the branch.

9 Q. Okay.

10 A. Operations doesn't post the transactions for
11 the branch because they are responsible to make sure the
12 money is there, the money is collected, so they do that
13 transaction.

14 Q. So that's when you were talking earlier the
15 branch employees accepting the form, checking the
16 account to make sure there's the money, and then they
17 debit the account automatically right there?

18 A. Yes, before they send it to us.

19 Q. Transaction flag, there's another section
20 about transaction flags. What does this information
21 tell you?

22 A. I don't have a lot to add on that section.

23 Q. Okay. But no flags here?

24 A. No.

25 Q. Okay. There's import/export information.

1 What is import/export information?

2 A. Basically when you key in the wires, they go
3 into batch. So this is showing that it's file batch
4 No. 2. It must have been of the morning.

5 Q. Okay.

6 A. And the person that did it, Heather McGowan,
7 she worked in the department at that time.

8 Q. So taking money out of the account and sending
9 it out, is that right, to the Fed, is that what you're
10 talking about, or is it something different?

11 A. This would be exporting not the -- well, the
12 customer's account has already been charged. This is
13 exporting the data to the Federal Reserve to then
14 further go on its way to the end destination.

15 Q. I see. Thank you very much. There's a
16 section called OFAC information. Can you tell us what
17 your bank does with OFAC?

18 A. That's the Office of Foreign Asset Control.
19 The program -- we get updates for people and places,
20 addresses that are on this list regularly, at least once
21 a month, sometimes more, so the database matches I guess
22 that to make sure it's valid to send it.

23 Q. Okay. Thank you. There are no issues here;
24 is that right?

25 A. No.

1 Q. And posting information, what does this tell
2 you?

3 A. It's just another kind of repetitive that that
4 was the amount of the transaction, 15,000, the fee done
5 by Heather McGowan, the date and time.

6 Q. Okay. And again the fee is wrong, right? It
7 should be \$40?

8 A. Correct.

9 Q. Let's go to the next Bates labeled page 2936.
10 What does this page tell us?

11 A. Again, it has the employee that entered the
12 transaction, the amount. There's no limits on this
13 account. They don't have a wire agreement so there's no
14 wire limit. Customers with wire agreements have a wire
15 limit.

16 Q. Okay.

17 A. And it gives you the name and address of the
18 customer originating the wire, including their phone,
19 text ID. That's where the -- at the end of the day we
20 generate a receipt for the wire transactions so that's
21 where the advice is going to go, and then the bottom
22 half is the originator of the transaction, which is the
23 same in this instance.

24 Q. Okay. Let's go to the next page, 2937.
25 Sending institution, that's your bank; is that right?

1 A. Yes.

2 Q. And the receiving institution, what does this
3 tell us?

4 A. So we're the originator, so Pentucket Bank, so
5 it gives our ABA number and our address, you know,
6 that's on record with the Federal Reserve. In this case
7 the money before it gets to Pakistan has to go to
8 Standard Chartered Bank in New York, so that tells me
9 they have a correspondent relationship with the bank in
10 Pakistan.

11 Q. Okay. Because this is a wire transaction,
12 you're a small bank, you don't have a corresponding
13 foreign bank, it goes through this bank?

14 A. Right.

15 Q. Okay. And what is the beneficiary
16 institution?

17 A. The final destination is the NIB Bank Limited
18 in Lahore, Pakistan.

19 Q. Okay. Let's go to the next page, 2938. Okay.
20 There is a section called callback information, but
21 there's nothing there. Is that unusual?

22 A. Yeah. I haven't seen that used. Again, you
23 have to understand that this program has a lot of data
24 fields and a lot of functionality, so that's not a
25 section that we would use in this wire.

1 Q. Okay. So the beneficiary name is the entity
2 that's receiving the funds; is that right?

3 A. Yes.

4 Q. And here this is DigitalNet Technology
5 Solutions somewhere in Lahore, Pakistan; is that right?

6 A. Correct.

7 Q. Okay. And I see again IBAN number for bank to
8 bank, what does this mean?

9 A. That's an international bank identification
10 number.

11 Q. Okay. And the IMAD number that you mentioned
12 earlier, right?

13 A. Yes. And again, at's input messaging data
14 number.

15 Q. Okay. All right. Let's go to page -- there's
16 a lot, so I don't think we're going to cover every
17 single page. I just wanted you to give the Court a
18 little bit of flavor of what that series of WITS
19 transaction forms represent.

20 Thank you very much, Ms. Curtis.

21 MS. LE: Your Honor, the government tenders
22 the witness.

23 MR. AYER: No cross, your Honor.

24 THE COURT: Thank you. You're excused.

25 THE WITNESS: Thank you.

1 MS. LE: Your Honor, the government calls Eric
2 Leuteritz to the stand.

3 ERIC LEUTERITZ

4 having been duly sworn, testified as follows:

5 THE CLERK: For the record, please state your
6 full name and spell your last name.

7 THE WITNESS: Eric George Leuteritz. My last
8 name is L-E-U-T-E-R-I-T-Z.

9 THE CLERK: Thank you. Please be seated.

10 MS. LE: Your Honor, may I just approach just
11 to move some of the exhibits that we're not using with
12 this witness?

13 THE COURT: Throughout your examination you
14 may approach.

15 DIRECT EXAMINATION

16 BY MS. LE:

17 Q. Good morning.

18 A. Good morning -- good afternoon.

19 Q. Good afternoon.

20 Mr. Leuteritz, where are you employed?

21 A. Pentucket Bank.

22 Q. How many locations does Pentucket Bank have?

23 A. Six. Seven. Seven with the headquarters.

24 Six branches.

25 Q. Okay. Where's the main office?

1 A. Haverhill, New Hampshire -- Haverhill, Mass.

2 Q. Are you a little nervous?

3 A. I am.

4 Q. Do you hate seeing me? Does it make you
5 nervous?

6 A. No, it will be fine.

7 Q. And where are the branch locations, if you
8 know?

9 A. All the branch locations?

10 Q. Yes, sir.

11 A. So there are three in Haverhill, one in North
12 Andover, Massachusetts, one in Hampstead, New Hampshire,
13 and one in Salem, New Hampshire?

14 Q. How long have you been with Pentucket Bank?

15 A. Nine years.

16 Q. What's your current job title?

17 A. I am a senior vice president and commercial
18 loan officer.

19 Q. How long have you been the senior vice
20 president, commercial loan officer?

21 A. Senior vice president a year, and then I was a
22 vice president, commercial loan officer for three years
23 before that, four years before that.

24 Q. Okay. How many total years of experience do
25 you have in finance?

1 A. In finance, about 29 years.

2 Q. Okay. What are your responsibilities as a
3 commercial loan officer?

4 A. I manage a portfolio of businesses that borrow
5 money from the bank. So I manage the borrowing
6 relationships with them, but I also handle other
7 responsibilities for them for banking to a certain
8 extent.

9 Q. Okay. When you first started at Pentucket
10 Bank, what did you do?

11 A. I was a financial analyst.

12 Q. Was that in 2010?

13 A. That was in 2010.

14 Q. Which office did you work at?

15 A. I was in the Haverhill headquarters at that
16 point.

17 Q. At some point did you transfer from that main
18 office in Haverhill to the Salem, New Hampshire, branch?

19 A. Yes, I did.

20 Q. When was that, sir?

21 A. That was in late 2014.

22 Q. Okay. And did your job change as well?

23 A. It did. I moved from an analyst position to a
24 lending position.

25 Q. What's the difference?

1 A. One is more backend office analyzing the
2 numbers, producing the reports. When you're in a
3 lending role, it's more customer interaction, sales,
4 bringing in new accounts.

5 Q. Sir, do you know Imran Alrai?

6 A. I've met him a few times.

7 Q. How do you know Mr. Alrai?

8 A. So Saima Alrai was the branch manager at the
9 Salem office that I was located in, and Imran is her
10 husband.

11 Q. Okay. When did you first meet Mrs. Alrai?

12 A. When I started -- well, when she started for
13 the bank.

14 Q. When was that, sir?

15 A. I'm not exactly sure. I want to say 2013,
16 2012. Somewhere around there.

17 Q. So you first met her when she joined the bank,
18 and then did you come to work with her more closely when
19 you moved to the Salem, New Hampshire, branch?

20 A. Yes.

21 Q. Okay. And how long did you work with Mr.
22 Alrai?

23 A. About four and a half years.

24 Q. How would you describe your relationship with
25 Mrs. Alrai?

1 A. It was a very good relationship. I enjoyed
2 working with her. She did a great job, yeah.

3 Q. And in addition to working together and having
4 that good working relationship, did you and she
5 socialize outside of the office?

6 A. No, not really. I would -- we both live in
7 the same town, our children are similar ages, so I would
8 see her occasionally at various events for the school,
9 but it's not like we ever went to each other's houses or
10 anything like that.

11 Q. And have you kept in touch with Ms. Alrai
12 since she left Pentucket?

13 A. We had lunch a few times after she left but
14 nothing for a while now.

15 Q. Sir, did you handle any of Mr. Alrai's
16 accounts or accounts belonging to his businesses when he
17 banked at Pentucket?

18 A. I didn't handle his accounts, no.

19 Q. Why not?

20 A. Generally he didn't have a commercial
21 borrowing relationship. That's where I would get
22 involved. He just had a depository relationship so the
23 branch handled those.

24 Q. So he didn't borrow money from the bank, he --

25 A. He was a depositor.

1 Q. He was a depositor, all right. Based on your
2 relationship with Mrs. Alrai, did you have an
3 understanding or appreciation of what her husband's job
4 was?

5 A. I was told he was in the IT business.

6 Q. Okay. Anything about -- was he self-employed
7 or was he employed by a corporation?

8 A. I was under the impression he was
9 self-employed.

10 Q. Okay. And do you know anything with more
11 detail other than just being in the IT business?

12 A. No. I know he did IT consulting. I also
13 understood he developed some apps, but that was
14 basically my understanding.

15 Q. Okay. And did he or Mrs. Alrai tell you that
16 he was himself a programmer or did he have employees who
17 programmed?

18 A. I was told he had employees that programmed.

19 Q. Where were those employees located, if you
20 know?

21 A. I was told at least some of them were in
22 Pakistan.

23 Q. And who told you this information about Mr.
24 Alrai, was it Mr. Alrai or Mrs. Alrai?

25 A. It was Mrs. Alrai.

1 Q. Okay. And do you know if Pentucket Bank has
2 any deposit accounts belonging to DigitalNet Technology
3 Solutions?

4 A. Yes, they do.

5 Q. Okay. Did you know anything about DigitalNet?

6 A. No.

7 Q. Okay. Were you involved in about three wire
8 transactions involving monies from that account, that
9 company's account?

10 A. Yes.

11 Q. Okay. And what role did you have in
12 processing those wire transfers?

13 A. I was an approver on three of those wires.

14 Q. Can you explain, what is an approver?

15 A. Sure. So generally there are two types of
16 wires, but if you're required to do an in-branch, the
17 person comes into the branch, they generally get the
18 process started in the branch with the retail staff, and
19 then if it's a certain amount, it gets brought to me to
20 verify that we followed proper procedure.

21 Q. Okay. So it has to do with the money limit,
22 right?

23 A. Correct.

24 Q. Okay. So the higher the number, then it has
25 to be kind of taken up a level?

1 A. Correct. Or if the person is taking that is
2 not an officer, they may need just an officer to sign
3 off on it.

4 Q. You used the term officer. What is an officer
5 versus somebody else in the bank?

6 A. So an officer is a designation within a bank
7 where you're essentially able to sign on behalf of the
8 bank on certain items. So you might be able to sign a
9 check or you might be able to sign a wire or something
10 along those lines. So it generally starts officer, AVP,
11 VP, SVP.

12 Q. Yeah. I have no idea what all those initials
13 stand for.

14 A. Assistant vice president, vice president,
15 senior vice president. All have signature authority and
16 are generally given different levels for certain things.

17 Q. And the people that one would see if you
18 walked into a bank, the tellers, the customer service
19 reps, they are not officers?

20 A. Most of them are not.

21 Q. Okay. Now, I'd like you to take a look at
22 Exhibit 127.

23 MS. LE: Ms. Sheff, if you could pull that up.

24 Q. And there are physical copies in those folders
25 for you so if at any point you'd like to look at --

1 A. I'm sorry, which number?

2 Q. Exhibit 127. They should be in numerical
3 order, sir.

4 A. Okay.

5 Q. Do you see this is a string of e-mails about
6 two pages long?

7 A. Yes.

8 Q. October 19, 2017, to October 20, 2017, is the
9 sequence?

10 A. Yes.

11 Q. Okay. These are e-mails exchanged between
12 Brenda Hernandez and Mac Chaudhary; do you see that?

13 A. Yes.

14 Q. Okay. What e-mail address is Mr. Chaudhary
15 using, if you could just read that into the record?

16 A. He is using info@digitalnet.us.

17 Q. Okay. I'd like you to go to page 2397.

18 A. Okay.

19 Q. All right. And do you see that e-mail there?

20 A. Yes.

21 Q. This was sent to Brenda Hernandez on October
22 19, 2017, at 12:23 p.m. Would you please just read the
23 body of that e-mail?

24 A. "Hello, Brenda. Attached please find the wire
25 transfer request for \$14,960 even. Please process as

1 soon as possible and send confirmation via e-mail.

2 Please review the form for any errors or discrepancies.

3 Thanks, Mac Chaudhary."

4 Q. Brenda Hernandez, where did she work in this
5 time frame?

6 A. She worked in the Salem, New Hampshire, retail
7 branch.

8 Q. And she's currently still an employee; is that
9 right?

10 A. Yes.

11 Q. And she's out on medical leave; is that
12 correct?

13 A. That's my understanding.

14 Q. Let's go to Exhibit 127a, and I'd direct your
15 attention to page 2011, that should be the last page,
16 the wire transfer form, that's dated October 20, 2017.
17 Do you see that?

18 A. Yes.

19 Q. Okay. Do you recognize anyone's handwriting?

20 A. Yes.

21 Q. Whose handwriting do you recognize?

22 A. Mine.

23 Q. Where is your handwriting, sir?

24 A. It's lower left.

25 Q. You can touch the screen. It's a smart

1 screen.

2 A. Someone just circled it but yeah, right there.

3 Q. That was me. Go ahead. Show us where your
4 signature is.

5 A. My signature is right here.

6 Q. Okay. And what does your signature on here
7 indicate to you?

8 A. Basically that this was brought to me, I asked
9 a series of questions to make sure procedure was
10 followed, and then I signed off on it saying it's
11 acceptable to send.

12 Q. Do you have any specific recollection of this
13 wire transaction?

14 A. Not this one, no.

15 Q. Why not?

16 A. I do a lot of these. This one didn't stick
17 out.

18 Q. And the usual practice, it looks like this
19 was -- where was this form processed originally?

20 A. The Salem branch.

21 Q. Okay. And after this form is processed at the
22 Salem branch, what happens to it?

23 A. Generally it gets sent down to the wire room
24 in the back office and then they initiate the wire.

25 Q. Are you talking about Haverhill,

1 Massachusetts?

2 A. Yes.

3 Q. Okay. And how is it sent over to Haverhill?

4 A. I'm not a hundred percent sure. I know it can
5 be sent by fax. I don't know if it can be sent by
6 e-mail. I'm not involved in that process.

7 Q. Okay. But your understanding for sure fax?

8 A. Yes.

9 Q. Let's go to Exhibit 128. All right. This is
10 a series of e-mails exchanged on December 20, 2017. Do
11 you see that?

12 A. Yes.

13 Q. Okay. Take your time and flip through before
14 I ask you any questions. Am I right that the e-mails
15 involved Mac Chaudhary, Saima Alrai, Heather McGowan,
16 and Susan Celeste?

17 A. Yes.

18 Q. Okay. So same e-mail address for Mac
19 Chaudhary, right, that info@digitalnet.us?

20 A. Yes.

21 Q. Who is Heather McGowan?

22 A. She is a teller in our Salem branch.

23 Q. Does she have a new title, universal
24 associate?

25 A. I'm sorry. What was that?

1 Q. Does she have a new title now, universal
2 associate is it?

3 A. I believe that's her title now, yes.

4 Q. Okay. So she's the bank employee of Salem?

5 A. Yes.

6 Q. Who is Susan Celeste?

7 A. She works in our wire room.

8 Q. And where's the wire room, sir?

9 A. Haverhill, Massachusetts.

10 Q. So I'd like you to go to page 2374, which is
11 on the screen here, and would you please read the
12 message that Mac Chaudhary wrote to Saima Alrai on
13 December 20th, 2017, at 10:10 a.m.

14 A. "Good morning. Please have the attached wire
15 transfer request of \$190,000 even processed as soon as
16 possible and send back the confirmation. Thanks, Mac
17 Chaudhary."

18 Q. Okay. And then up above do you see Mrs.
19 Alrai's response?

20 A. Yes.

21 Q. Okay. And what does this information tell
22 you, if you know?

23 A. I don't know, but I assume it's probably wire
24 confirmation numbers.

25 Q. It actually says confirmation is --

1 A. Yes, for the wire.

2 Q. -- for the wire?

3 A. Yes, but again, I don't deal with that
4 normally.

5 Q. Sure. No problem. Let's go to Exhibit 128a,
6 and I'd like you to go to the page that's Bates number
7 PEN-02014, that's the last page, the wire request form
8 for this December 20, 2017, wire of \$190,000, okay? Do
9 you recognize any handwriting or initials here?

10 A. Yes.

11 Q. What do you recognize?

12 A. My signature.

13 Q. And if you could just show the Court where
14 that's located.

15 (Witness does so)

16 Q. Okay. And who else do you see, whose
17 handwriting do you recognize?

18 A. Heather McGowan.

19 Q. Where's that?

20 A. (Witness indicates)

21 Q. Okay. Sir, do you have any specific memory
22 about this particular transaction?

23 A. Yes.

24 Q. What is your specific memory?

25 A. This was a wire that Saima had brought to me

1 and asked me to sign. She said that her father-in-law
2 was buying a piece of property in Pakistan that was
3 located between two of their business locations.

4 Q. When you said she brought you the form, did
5 she physically bring you the form or did she e-mail it
6 to you; do you know?

7 A. I believe she brought me the form.

8 Q. And so when you signed this, did you know who
9 Mac Chaudhary was?

10 A. I knew that it was her father-in-law.

11 Q. Okay. And when she gave you the form and told
12 you that the money was being used to buy some property
13 in Pakistan, what did you do?

14 A. Well, I told her -- I asked if Mac was here
15 because he needed to be in the office and he wasn't, so
16 at that time I couldn't sign it.

17 Q. Okay. Is this the time or is it the next time
18 that you actually made him come in?

19 A. Oh, no, you're right. I apologize. That was
20 the next time. No, I signed this one and it went out.

21 Q. Okay. But you touched on the subject that
22 we've talked about.

23 A. Sorry.

24 Q. Pentucket Bank, does it have a written policy
25 regarding wire transactions?

1 A. Yes.

2 Q. Okay. Is there a requirement that customers
3 come in person if they don't have a prior agreement on
4 file to initiate wire transactions?

5 A. Yes.

6 Q. Okay. Did you follow that procedure on this
7 occasion?

8 A. No.

9 Q. Why not?

10 A. I trusted Saima. She and I were colleagues
11 and I had no reason to doubt that this was her
12 father-in-law's intentions.

13 Q. Okay. So she represented that this was her
14 father-in-law and that he wanted to make this
15 transaction?

16 A. Yes.

17 Q. Okay. Because you didn't follow the rules for
18 this one, did you have a problem?

19 A. I received a phone call saying that there was
20 an audit being done of the wires. They had asked
21 questions if he was here or not. I said no. They said
22 he needs to be in the branch because he doesn't have a
23 wire agreement set up. So going forward he would need
24 to be there for all of them.

25 Q. So who told you you needed to enforce and

1 comply with the Pentucket Bank's written policy about
2 wire transactions?

3 A. Diane Galvin.

4 Q. And who is Diane Galvin relative to you?

5 A. She is the chief operating officer of the
6 bank.

7 Q. Okay. So let's go to Bates number page 629.
8 Do you see -- what does this tell you here, sir?

9 A. That looks to be part of a statement showing
10 that \$190,000 left their account -- transferred from
11 operating -- I don't read these often. I apologize.

12 Q. Sure. So it looks like there was a transfer
13 of money into the account?

14 A. Yes.

15 Q. And then the money was then transferred out of
16 the account; is that right?

17 A. That's right.

18 Q. I should have highlighted more. That's my
19 fault. And both of those transactions happened on
20 December 20th?

21 A. That's correct.

22 Q. Okay. Thank you very much. And just for the
23 record, on December 20th the transfer of \$190,000 was
24 from an account ending in 3920; is that right? Is that
25 what it says?

1 A. Oh, I'm sorry. Which transaction again?

2 Q. The same one.

3 A. Yes, the money came in from an account ending
4 3920.

5 Q. And the account belonged to DigitalNet as
6 well, right?

7 A. Yes.

8 Q. It's the operating account; is that right?

9 A. Yes.

10 Q. Okay. Let's talk about another wire
11 transaction that you handled. It's not part of those
12 folders.

13 MS. LE: I'm going to ask Ms. Sheff to pull up
14 Exhibit 524 and go to Bates label page 20019. You might
15 have to scroll through. April 9, 2018. I think that's
16 it.

17 Q. All right. Mr. Leuteritz, do you recognize
18 this wire transfer request form from April 9, 2018?

19 A. Yes.

20 Q. Do you recognize any handwriting?

21 A. Yes.

22 Q. Whose handwriting do you recognize?

23 A. My signature.

24 Q. Okay. Would you just circle your handwriting
25 for the Court?

1 (Witness does so)

2 Q. All right. Do you have any specific memory
3 about this wire transfer of \$16,960?

4 A. Yes.

5 Q. What was your recollection?

6 A. This was the one where Saima had asked for a
7 wire transfer and I said I couldn't do it unless Mac was
8 in the building.

9 Q. Okay. So again, was this one of those
10 occasions where she physically approached you or did she
11 e-mail this to you?

12 A. I believe on this one she approached me, but
13 I'm not a hundred percent certain.

14 Q. Sure. When you told Mrs. Alrai that you
15 couldn't process it without Mr. Chaudhary there, did he
16 come in?

17 A. He did come in after that, yes.

18 Q. Okay. When did he come in?

19 A. A short time later. I don't recall how long.

20 Q. So it was not like a day later or a week
21 later?

22 A. No, it was the same day.

23 Q. Same day. And did you see Mr. Chaudhary in
24 person?

25 A. Yes.

1 Q. How did you know that he was in the building?

2 A. I got a phone call that he was there and I
3 came down -- I worked on the second floor. I came down
4 to the first floor where the retail office is, the
5 branch is.

6 Q. Okay. And this is again in Salem?

7 A. Correct.

8 Q. Okay. And was anyone with Mr. Chaudhary when
9 you went downstairs to meet him?

10 A. Yes, Mr. Alrai was with him.

11 Q. Okay. Did you have a conversation with Imran
12 Alrai at that time?

13 A. Yes.

14 Q. Will you tell the Court what your conversation
15 was about?

16 A. Sure. Essentially he was upset that he had to
17 drag his father down to the branch to have this wire
18 done, that he was a good customer, that Saima worked
19 there, that there seemed to be no reason for it.

20 Q. When he said he was a good customer, who was
21 he referring to or what is your understanding?

22 A. Alrai's businesses in general.

23 Q. Okay. And why did you describe him as being
24 upset?

25 A. He was a little agitated. We had a

1 conversation and at one point Saima even asked us to
2 move into the office, her office, so we were out of the
3 public part of the branch, but it was wrapping up
4 quickly so we did not.

5 Q. Okay. Did he tell you anything else at that
6 time?

7 A. Nothing that I recall at this point.

8 Q. Okay. And did you speak with Mr. Chaudhary?

9 A. I don't recall. I mean, I may have asked him,
10 you know, when I walked in, I may have said, you know,
11 you're here, you want to send this wire to Pakistan. If
12 anything, I might have done that.

13 Q. Okay. Now, did you eventually move into
14 Saima's office at all?

15 A. No.

16 Q. Okay. So your interaction with Mr. Alrai and
17 Mr. Chaudhary, where did that all occur?

18 A. In the branch. In the main area of the
19 branch.

20 Q. Okay.

21 THE COURT: All right. I've got to conduct a
22 short hearing.

23 MS. LE: Sure.

24 THE COURT: It's an in camera hearing that
25 I'll be doing in chambers, or behind the courtroom, so

1 we'll take the lunch break.

2 We will reconvene at 1:30.

3 MS. LE: Your Honor, I just have like two more
4 questions. Is there enough time to do that or should we
5 just wait for everything?

6 THE COURT: Well, are you going to cross?

7 MR. HARRINGTON: Potentially, your Honor, yes.

8 THE COURT: Well, go ahead.

9 MS. LE: No, no. We'll just wait, your Honor.

10 I'm sorry.

11 (RECESS)

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C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 4-8-20

/s/ Susan M. Bateman
SUSAN M. BATEMAN, RPR, CRR